

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
N/S Greenspring Valley Road, \* DEPUTY ZONING COMMISSIONER  
1150' W of the 2/1 of Falls Road \* OF BALTIMORE COUNTY  
8th Election District \*  
3rd Councilmanic District \* Case No. 89-171-SPH  
Emerson Farms & Company \*  
Petitioner \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve and confirm the nonconforming use of seven (7) historic dwellings, and approve and determine the owners' right to separately convey the existing residential units through the use of a homeowners or condominium association, all as more particularly described in Petitioner's Exhibit 1.

At the hearing held on November 9, 1988, the Petitioner, by Richard A. Moore, General Partner, appeared, testified and was represented by Stephen J. Nolan, Esquire. Also appearing on behalf of the Petition were: W. James Howard, Thomas W. Greene, J. M. Dryden Hall, Jr., Jack Dillon, Office of Planning and Zoning, A. D. McComas Executive Director of the Falls Road Community Association, Lisa Keir, Executive Director of the Valleys Planning Council, and Eugene F. Raphael, Civil Engineer. Phyllis Friedman appeared on behalf of People's Counsel for Baltimore County. There were no Protestants.

At the initial hearing held on November 9, 1988 testimony indicated that the subject property consisted of 2.602 acre parcel known as Tract "A" as depicted on Petitioner's Exhibit 1. Thereafter, at the hearing held on January 7, 1991, the property was amended to consist of the entire 7.00-acre parcel as depicted on Petitioner's Exhibit 9. Said property, zoned R.C. 2, is located on the west side of Greenspring

Valley Road north of Falls Road and is improved with three buildings containing seven dwelling units. Testimony indicated Petitioner is desirous of establishing the nonconforming use of the subject dwelling units to insure the historic preservation of the dwellings and to keep the development of the property consistent with its rural character and the preservation of Greenspring Valley. Testimony indicated Petitioner purchased Tracts A and B of the development known as Brooklandwood in 1976 were occupied by tenants and used as seven single family dwellings. Mr. Moore testified that he was informed the units were constructed prior to the 1900s. Testimony indicated the buildings, although occupied at the time of Petitioner's purchase, were in varying stages of disrepair requiring anywhere from merely cosmetic improvements to rewiring and roofing. Mr. Moore testified that since his purchase of the property, the seven dwelling units have been rented as residential units and occupied continuously and without interruption. He testified that the Petitioner originally filed a request during the comprehensive map rezoning process, to rezone the property to D.R. 1 (Issue No. 3-306). However, after discussions with the Office of Planning and Zoning and neighborhood community associations, Petitioner felt the pursuit of the instant Petition was more appropriate and in keeping with the spirit and intent of the zoning regulations and character of the neighborhood.

Mr. Howard testified that he grew up one mile west of the subject property and that he was familiar with the dwelling units as he rode his bicycle through the area on numerous occasions prior to 1945. He testified that he lived in Unit No. 5 in 1957 for three years. Mr. Howard indicated that to the best of his knowledge, the seven dwelling units have been used

continuously and without interruption as seven separate and distinct single family residential dwelling units since approximately 1944.

Mr. Thomas Greene was called and testified that he lived in two of the units from 1963 until approximately 1969. He indicated that during that time, all seven units were used continuously as separate and distinct residential units.

Mr. Dillon, a Senior Planner with the Office of Planning and Zoning, testified that as a result of Petitioner's request for a change in zoning classification this past mapping cycle, his office investigated alternative means of preserving the historic buildings and accomplishing same in a manner that would be economically feasible for Petitioner and/or future owners. He testified that after reviewing the matter, it became quickly apparent that the buildings had been in existence prior to 1944. He testified it was his feeling that the request was in keeping with the spirit and intent of the zoning regulations and character of adjoining properties. In Mr. Dillon's opinion, the keeping of the land intact by a condominium or homeowners' association was appropriate.

Mr. Raphael, a registered professional land surveyor for the past 30 years, identified the plat marked Petitioner's Exhibit 9 as a fair and accurate representation of the property. He testified as to the character of the area and indicated that the limited common elements of the subject property as conveyed with the seven houses would consist of approximately 0.96 acres, leaving the remaining acreage of the 7.00-acre parcel as land that would be held in common by the owners of the seven dwelling units.

Mr. McComas, Executive Director of the Falls Road Community Association, and Lisa Keir, then Executive Director of the Valleys Planning Council, testified that their respective associations were in favor of

Petitioner's request and felt that the relief proposed was appropriate due to the established nonconforming use of the property and such use as being in keeping with the rural character of the surrounding area.

Subsequent to the hearing, by letter dated November 25, 1988, People's Counsel presented a brief discussion of the law on nonconforming uses. Thereafter, an opportunity was provided People's Counsel and Petitioner's counsel to meet regarding the issues raised. After notifying all individuals who appeared at the first hearing, a public hearing was scheduled on January 7, 1991 at which time Richard Moore, Stephen J. Nolan, Esquire, and Phyllis Friedman, Esquire, appeared. Counsel agreed that, provided the 7.00 acre parcel known as Tract A of Brooklandwood was left intact, the establishment of the subject property as a nonconforming use for seven dwelling units was permitted pursuant to the regulations existing, as codified in Bill No. 100, Section 1A00 -- R.D.P. Zones (Rural: Deferred-Planning). A review of the development plan indicated approval of the 7.00 acre parcel.

The first issue to be examined is whether or not the property enjoys a nonconforming status.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations

(Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel

or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used (B.C.Z.R., 1955; Bill No. 18, 1976)."

Petitioner argued if the testimony was insufficient to find a nonconforming residential use of the seven units predating 1945, a nonconforming use has been established since the mid 1970s when the 7.00-acre parcel was created pursuant to the then existing RDP regulations which predated the RC zoning regulations. The uncontradicted testimony in this case indicated that the seven dwelling units on the 7.00-acre parcel were permitted as of right from a density standpoint and were occupied prior to the establishment of the R.C. zoning classification.

In view of the Petitioners having reestablished the 7.00 acre parcel, the public hearings held, the testimony presented regarding the longstanding use of the units for residences, and the historic value of the units, it is my opinion the spirit and intent of the zoning regulations have been met and Petitioner has sufficiently established a nonconforming use of the seven historic dwellings as seven single family dwellings. The

finding in this case is limited to the evidence and factors presented and is not intended to set a precedent.

The next issue to be examined is whether or not there has been a change in the use of the subject property, and/or whether the proposed establishment of seven condominium units constitutes a change. Petitioners presented the condominium documents to People's Counsel for review and all documents will be reviewed and filed as required by State and local law. A determination must be made as to whether or not the proposed change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d. 96 (1978).

When the claimed non-conforming use has changed, or expanded, then it must be determined whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the non-conforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;

(b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original non-conforming use."

McKemy v. Baltimore County, Md., Supra.

There has been no evidence that the proposed request would result in a use different in character, nature, kind, or an enlargement or improper extension of the subject nonconforming use.

Testimony presented indicated that the use of the dwellings would not change but title to each unit transferred so that the dwelling units would be held through a condominium association. All parties agree this is a case of first impression in Baltimore County. It is the opinion of the Deputy Zoning Commissioner the B.C.Z.R. regulations are clear that the issue in a nonconforming use case is the use of the land, not how it is titled. The change of ownership to a condominium arrangement does not terminate a right of nonconforming use. See Anderson, American Law of Zoning, Section 6.40.

At the hearing the issue was discussed as to whether Petitioner had the right to tear down and rebuild seven new residential units. This issue, while briefly examined here, will not be decided as it was not part of the relief requested in the Petition for Special Hearing.

Section 104.1 as set forth above makes clear that "...if any nonconforming business or manufacturing structure shall be damaged by fire or casualty to the extent of seventy-five percent (75%) of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate..." (emphasis added). This is distinguishable from the original regulations which provided for the termination of the nonconforming use. Looking further in the B.C.Z.R., it is apparent that Section 305 would control the regulations. Section 305 states as follows:

"In case of complete or partial casualty loss by fire, windstorm, flood, or otherwise of an existing dwelling that does not comply with height and/or area requirements of the zone in which it is located, such dwelling



LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**  
CHARTERED  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
301 823-7800  
TELEFAX: 301 296-2765  
JAMES D. NOLAN  
RETIRED 1980  
J. EARLE PLUMHOFF  
1940-1988  
RALPH E. DEITZ  
1918-1992  
WRITER'S DIRECT DIAL  
823-7833  
\*ALSO ADMITTED IN D.C.  
\*ALSO ADMITTED IN NEW JERSEY

January 14, 1991

**HAND DELIVERY**

Honorable Ann M. Nastarowicz  
Deputy Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

RE: Case No.: 89-171-SPH  
Emerson Farms & Company Petitioner  
Supplement to Proposed Restrictions

Dear Commissioner Nastarowicz:

After my client, Mr. Richard Moore, received his copy of my January 9 letter addressed to you (copy enclosed), he reminded me that during last Monday's hearing there was a brief discussion concerning the possibility of minor alterations to the subject buildings.

Specifically, Mr. Moore mentioned at the hearing the example of the substitution of compatible brick materials in lieu of some existing concrete pads and concrete block areas.

Therefore, our client desires to propose the following revised "Alteration and Repairs" provision in lieu of the Section 10b language delivered to you on January 10:

**Section 10b. Alteration and Repairs of Condominium Units.**

With the exception of restorative work and minor improvements which Developer may make, no Condominium Unit Owner may make any changes in any Condominium Unit or the area included in any Condominium Unit or in any Limited Common Element if such change results in a material change in the exterior appearance or historical character of the Condominium Unit or the Limited Common Elements; provided, however, that material changes may be made after the proposed changes have been submitted in advance to, and approved by, the Baltimore County Landmark Preservation Commission or its duly authorized designee or assigns.

**RECEIVED**  
JAN 14 1991  
**ZONING OFFICE**

Honorable Ann M. Nastarowicz  
January 14, 1991  
Page Two

Based upon the discussions at the hearing, we believe that this revised language is more appropriate for inclusion in the rezoning order.

Thank you for your continued assistance.

Very truly yours,

*Steve Nolan*  
Stephen J. Nolan

SJN/caw

Enclosure

cc: Phyllis Cole Friedman  
People's Counsel  
(by hand delivery)

Mr. Richard A. Moore  
(by facsimile transmission)

**LEVEL 1 - 8 OF 8 CASES**

NORTH FORK MOTEL, INC.; Respondent, v. CHARLES GRIGONIS, JR., et al., Constituting the Zoning Board of Appeals of the Town of Southold, et al., Appellants.

**SECOND DEPARTMENT**

93 A.D.2d 883; 461 N.Y.S.2d 414

April 25, 1983

OPINION: In a CPLR article 78 proceeding, the appeal is from a judgment of the Supreme Court, Suffolk County (Gerard, J.), entered July 1, 1982, which annulled determinations of building inspectors George H. Fisher and Edward F. Hinderman, dated February 13, 1980 and December 22, 1980, respectively, and a determination dated February 13, 1980 and December 22, 1980, dated June 25, 1981, of the Zoning Board of Appeals of the Town of Southold, dated June 25, 1981, of which denied petitioner's applications for permission to change the form of ownership of certain premises. Judgment affirmed, without costs or disbursements. Zoning ordinances cannot be employed by a municipality to exclude condominiums or discriminate against the condominium form of ownership for it is use rather than form of ownership that is the proper concern and focus of zoning and planning regulations (see Town Law, § 261; Maplewood VII. Tenants of Assn. v. Maplewood VII., 116 NJ Super 372; Bridge Park Co. v. Borough of

93 A.D.2d 883; 461 N.Y.S.2d 414

Highland Park, 113 NJ Super 219). Nor does the mere change in the type of ownership result in the destruction of a valid existing nonconforming use (see City of Miami Beach v. Arlen King Cole Condominium Assn., 302 So 2d 777 (Fla.); Graham Ct. Assoc. v. Town Council of Town of Chapel Hill, 53 NC App 543). Accordingly, Special Term correctly concluded that the conversion of ownership of the subject property from a corporate form to a condominium form is not violative of the zoning ordinance of the town of Southold; provided the property's present use as a motel remains unchanged. Mangano, J.P., Gibbons, Bracken and Nigroff, JJ., concur.

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: *South* Date of Posting: *December 17, 1990*  
Posted for: *Special Hearing*  
Petitioner: *Emerson Farms and Company*  
Location of property: *N/S Greenspring Valley Rd. v.s. c/l of Falls Rd.*  
Location of Sign: *North side of Greenspring Valley Road on front of subject property*  
Remarks: *S.J. Arato*  
Posted by: *S.J. Arato* Date of return: *December 20, 1990*  
Number of Signs: *1*

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**  
CHARTERED  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
301 823-7800  
TELEFAX: 301 296-2765  
JAMES D. NOLAN  
RETIRED 1980  
J. EARLE PLUMHOFF  
1940-1988  
RALPH E. DEITZ  
1918-1992  
WRITER'S DIRECT DIAL  
823-7833  
\*ALSO ADMITTED IN D.C.  
\*ALSO ADMITTED IN NEW JERSEY

January 11, 1991

Ms. Phyllis Friedman  
People's Counsel  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Friedman:

Enclosed please find proposed drafts of the following:

1. Index to By-Laws of The Emerson Farms Condominiums;
2. Index for Condominium Declaration for The Emerson Farms Condominiums.

Please feel free to contact Robert Glushakow if you have any questions.

Sincerely yours,

*Carolyn Brennan*  
Carolyn Brennan

CB/caw

Enclosures

cc: J. M. Dryden Hall, Jr., Esquire  
Ann Nastarowicz, Deputy Zoning Commissioner  
Mr. Richard A. Moore

**RECEIVED**  
JAN 11 1991  
**ZONING OFFICE**

**EMERSON FARMS  
CHRONOLOGY  
Case No. 89-171-SPH**

**PHASE ONE**

May 24, 1976  
Oct. 19, 1987  
Mar. 14, 1988

Deed to Emerson Farms and Company  
Zoning Map Request for DR 1  
Conf. with Commr. Haines, J. Dillon, L. Kier, et. al.

**PHASE TWO**

Aug. 24, 1988  
Nov. 9, 1988  
Nov. 25, 1988  
Dec. 6, 1988

Special Hearing Petition Filed  
Hearing Before Dep. Zoning Commr.  
Deputy People's Counsel Comments  
People's Counsel's Comments

**PHASE THREE**

Dec. 16, 1988  
Mar. 3, 1989

Dep. Commr.'s Letter Re: Reopening  
Hearing  
Nolan Letter Re: Joint Postponement of  
Hearing

1989-1990  
June 20, 1990  
July 24, 1990  
Sept. 26, 1990

Conferences Re: Condo Documents  
Status Conf. with Dep. Zoning Comm.  
Status Conf. with Dep. Zoning Comm.  
Conf. at People's Counsel's Office with  
Mr. R. Moore et. al.  
Continuation of Zoning Hearing

5806B

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**  
CHARTERED  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
301 823-7800  
TELEFAX: 301 296-2765  
JAMES D. NOLAN  
RETIRED 1980  
J. EARLE PLUMHOFF  
1940-1988  
RALPH E. DEITZ  
1918-1992  
WRITER'S DIRECT DIAL  
823-7833  
\*ALSO ADMITTED IN D.C.  
\*ALSO ADMITTED IN NEW JERSEY

January 9, 1991

HAND DELIVERY  
Honorable Ann M. Nastarowicz  
Deputy Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Case No.: 89-171-SPH  
Emerson Farms & Company Petitioner

Dear Commissioner Nastarowicz:

Pursuant to your request at the close of the hearing on January 7 in the above case, I am setting forth below certain proposed additional provisions/restrictions which are derived from the draft Condominium Declaration discussed by People's Counsel and Robert Glushakow of this office. At this same time, I am forwarding this letter to Ms. Friedman for her information and review.

**Section 10b. Alteration and Repairs of Condominium Units.**

...No Condominium Unit Owner may make any changes in any Condominium Unit or the area included in any Condominium Unit or in any Limited Common Element if such change results in a change in the exterior appearance or historical character of the Condominium Unit or the Limited Common Elements.

**Section 10g. Baltimore County Zoning Regulations.**

Pursuant to Sections 101 and 104.1 of the Baltimore County Zoning Regulations ("BCZR"), the subject property is a nonconforming use and subject to the limitations on nonconforming uses in the BCZR.

**Section 11. Amendment to Declaration.**

Except as may be otherwise provided by the Act [Maryland Condominium Act] this Declaration may be amended in the following manner:

**RECEIVED**  
JAN 10 1991  
**ZONING OFFICE**

Honorable Ann M. Nastarowicz  
January 9, 1991  
Page two

a. For so long as Developer owns the property or it is engaged in sales of Condominium Units, Developer shall have the sole and absolute right to amend this Declaration so as to:

- i. make non-material changes;
- ii. satisfy the requirements of any government, governmental agency or Mortgagee;
- iii. re-locate boundary lines between the Common Areas and any unit or units, provided however, that such relocation does not materially and adversely affect any owner other than Declarant and that such relocation does not violate Sections 10b and 10g of this Declaration and that such relocation is reflected in an approved site plan of all or any part of the development/property.

Also enclosed is a Lexis copy of a New York case to which Ms. Friedman referred, *North Fork Motel, Inc. v. Grigonis*, 93 A.D. 2d 883; 461 N.Y.S. 2d 414 (1983). In that case, the Court determined that a mere change in the type of ownership to a condominium form does not result in the destruction of a valid existing nonconforming use, citing *Miami Beach v. Arlen King Cole Condominium Assoc.*, 302 So. 2d 777 (Fla.); and *Graham Ct. Assoc. v. Town of Chapel Hill*, 53 NC App 543.

You had indicated that it would not be necessary to file a hearing memorandum. Nevertheless, if there is any additional information which you desire, please let me know.

We wish to thank you and People's Counsel for assisting us with this important matter which will serve to promote the preservation of these historic Greenspring Valley buildings.

Very truly yours,  
*Steve Nolan*  
Stephen J. Nolan

SJN/mao

enclosure

CC: Phyllis Friedman  
People's Counsel

Mr. Richard A. Moore

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

December 6, 1990

887-3353

Mr. Spaulding A. Goetze, Sr.  
President, Greenspring Valley Assoc., Inc.  
3900 E. Monument Street  
Baltimore, Maryland 21205

RE: Petition for Special Hearing  
N/S Greenspring Valley Road, 1150' W of the c/l of Falls Road  
8th Election District - 3rd Councilmanic District  
Emerson Farms and Company - Petitioner  
Case No. 89-171-SPH

Dear Mr. Goetze:

In response to your letter dated November 30, 1990 regarding the above-captioned matter, the following comments are offered.

Please be advised that the Zoning Office will be happy to make copies of any and all documentation contained in the case file for this matter; however, there is a copying fee for each piece of documentation required. In as much as the case file contains numerous letters and documents relative to the case, it is suggested that you or someone from your organization come in the office to review the case file to determine the type, number and cost of each document required.

If you have any further questions on the subject, please feel free to contact the Development Control Section at 897-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: File





November 30, 1990

Mr. J. Robert Haines  
Zoning Commissioner/Baltimore County  
Office of Planning & Zoning  
Towson, MD 21204

Dear Mr. Haines:  
This letter is in reference to Notice of Continuance, Case #89-171-SPH.  
(copy enclosed)

Will you kindly forward any information available, pertaining to this case, for our review. I would appreciate receiving same as soon as possible.

As representative of the Greenspring Valley Association, Inc., I remain,

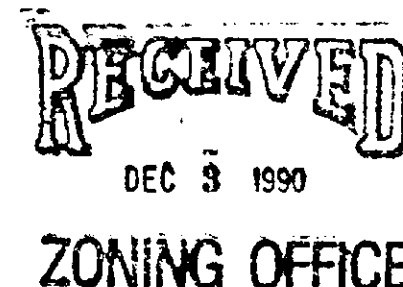
Yours very truly,

GREENSPRING VALLEY ASSOC., INC.

*S. A. Goetze, Sr.*  
Spaulding A. Goetze, Sr.  
President

SAG:dm  
enclosure

P.S. Please forward the above to: Mr. Spaulding A. Goetze, Sr.  
3900 E. Monument Street  
Baltimore, MD 21205



P.O. BOX 304 / STEVENSON, MARYLAND 21153-0211  
Formerly: Stevenson-Brooklandville Improvement Association, Inc.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

November 19, 1990

#### NOTICE OF CONTINUANCE

CASE NUMBER: 89-171-SPH

PETITIONER: Emerson Farms and Company

LOCATION: NS Greenspring Valley Road, 1150' W c/l Falls Road

HEARING OF THE ABOVE MATTER WILL CONTINUE ON MONDAY, JANUARY 7, 1991 at 9:30 a.m.

THIS CONTINUED HEARING WILL TAKE PLACE IN ROOM 106 OF THE COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

*J. Robert Haines*

J. ROBERT HAINES  
Zoning Commissioner  
Baltimore County, Maryland



Dennis F. Rasmussen  
County Executive

Emerson Farms, 89-171-SPH

November 19, 1990 Notice Mailed to the following parties:

John W. Beckley, Esq., President/Stevenson-Brooklandville Improvement Association, Inc./Stevenson, Maryland 21153.

Eugene F. Raphael P.E./205 Courtland Avenue/Towson, Maryland 21204.

Richard A. Moore/Emerson Farms and Company/P. O. Box 193/Phoenix, Maryland 21131.

J. M. Dryden Hall, Jr., Esq./Emerson Farms and Company/c/o Suite 1212/Ten East Baltimore Street/Baltimore, Maryland 21202.

John J. Dillon, Jr./OPZ/M.S. 3402.

Valleys Planning Council/212 Washington Avenue/Towson, Maryland 21204.

A. Douglas McComas/Falls Road Community Association/Box 555/Brooklandville, Maryland 21022.

W. James Howard/Greenspring Avenue/Stevenson, Maryland 21153.

Tom Greene/W.C. Pinkard & Company/606 Kenilworth Avenue/Towson, Maryland 21204.

Loni Ingraham/Towson Times/409 Washington Avenue/Towson, Maryland 21204.

Stephen J. Nolan, Esq./Nolan, Plunhoff & Williams/700 Court Towers/210 W. Pennsylvania Avenue/Towson, Maryland 21204-5340.

Phyllis C. Friedman, Esq./People's Counsel for Baltimore County/MS 1310.

Ms. Ann M. Nastarowicz  
August 15, 1990  
Page Two

I will be happy to make arrangements to schedule the conference call at a mutually convenient time.

In closing, I want to acknowledge your kind assistance and the assistance of People's Counsel in attempting to finalize this case. We believe that these historic properties are an important resource for this area of Baltimore County, and Mr. Moore has to date expended considerable amounts of time and money in the interest of their preservation. Nevertheless, our client is most eager to conclude and resolve this zoning case along the basis which existed prior to the July 24 meeting so that the status of these historic residences may be confirmed.

Very truly yours,

*Stephen J. Nolan*  
Stephen J. Nolan

SJN/caw

Enclosure

cc: Robert S. Glushakow, Esquire  
Phyllis Friedman, Esquire  
Richard A. Moore, President  
(both with enclosure)

NEWTON A. WILLIAMS  
WILLIAM M. HESSON, JR.  
THOMAS J. PENNER  
STEPHEN J. NOLAN  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHEENING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
LOUIS G. CLOSE, III  
E. BRUCE JONES  
KERA L. KOSTUN  
GREGORY J. JONES  
\*ALSO ADMITTED IN D.C.  
\*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES  
NOLAN, PLUNHOFF & WILLIAMS  
CHARTERED  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(301) 823-7800  
TELEFAX: (301) 296-2765  
September 26, 1990

JAMES D. NOLAN  
(RETIRED 1980)  
J. EARLE PLUMHOFF  
(RETIRED 1980)  
OF COUNSEL  
RALPH E. DEITZ  
(RETIRED 1980)  
WRITER'S DIRECT DIAL  
823 - 7853

#### BY HAND DELIVERY

The Honorable Ann M. Nastarowicz  
Deputy Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Emerson Farms, Case No. 89-171-SPH  
Request for Continuation of Hearing

Dear Deputy Commissioner Nastarowicz:

This letter shall serve to advise you that a meeting was held this morning with Ms. Friedman, Mr. Moore, Mr. Raphael, Mr. Glushakow, and myself regarding the issues detailed in Ms. Friedman's letter of August 24, 1990. Please be advised that the issue regarding the transfer of the 7 acre tract has been resolved in that it will remain with the Emerson Farm units so as to support the non-conforming residential uses on the property. All parties agreed this morning that the open issues are now resolved and that the matter is ripe for a completion of the hearing process.

Accordingly, I would respectfully request that a hearing be scheduled at the earliest possible convenience so that we may supply you with the additional evidence to support the non-conforming use and hopefully bring this matter to a successful conclusion for the benefit of these historic properties, the community, and the owner.

Thank you for your kind assistance.

Very truly yours,

*Steve Nolan*  
Stephen J. Nolan

SJN/caw

cc: Phyllis Cole Friedman, Esquire  
Gwen Stephens, Hearing Administrator  
Mr. Richard A. Moore  
Mr. Eugene F. Raphael

P.S. By way of a copy of this letter to Ms. Stephens, I am requesting that she schedule this matter.



Baltimore County, Maryland

PEOPLE'S COUNSEL  
ROOM 304, COUNTY OFFICE BUILDING  
111 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
887-2185

PHYLLIS COLE FRIEDMAN  
People's Counsel

PETER MAX ZIMMERMAN  
Deputy People's Counsel

August 24, 1990

The Honorable  
Ann M. Nastarowicz  
Deputy Zoning Commissioner  
Office of Planning & Zoning  
County Office Building  
Towson, Maryland 21204

RE: Emerson Farms, Case No. 89-171-SPH

Dear Deputy Zoning Commissioner Nastarowicz:

In response to Stephen J. Nolan's letter of August 15, 1990, I would like to voice my concern as to whether Tract A can be transferred to St. Paul's School net of density and still provide a guarantee of open space inasmuch as the special exception for the school does not require density for construction.

With regard to the nonconforming use issue, in light of the question as to how much land attached to the alleged nonconforming use, I agree with you that we need additional testimony.

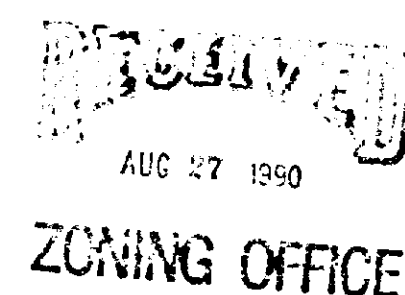
After Mr. Nolan arranges for the documentary evidence supporting the nonconforming use, I would like to have the opportunity to review that prior to any further meeting.

Sincerely yours,

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

cc: Stephen J. Nolan, Esquire

PCF:sh



NEWTON A. WILLIAMS  
WILLIAM M. HESSON, JR.  
THOMAS J. PENNER  
STEPHEN J. NOLAN  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHEENING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
LOUIS G. CLOSE, III  
E. BRUCE JONES  
KERA L. KOSTUN  
GREGORY J. JONES  
\*ALSO ADMITTED IN D.C.  
\*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES  
NOLAN, PLUNHOFF & WILLIAMS  
CHARTERED  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(301) 823-7800  
TELEFAX: (301) 296-2765

August 15, 1990

J. EARLE PLUMHOFF  
(RETIRED 1980)  
JAMES D. NOLAN  
(RETIRED 1980)  
OF COUNSEL  
RALPH E. DEITZ  
9026 LIBERTY ROAD  
RANDALLSTOWN, MARYLAND 21133  
(301) 922-2121  
WRITER'S DIRECT DIAL  
823 - 7852

#### HAND DELIVERY

Ms. Ann M. Nastarowicz  
Deputy Zoning Commissioner  
For Baltimore County  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

RE: Emerson Farms/Case No. 89-171-SPH

Dear Deputy Commissioner Nastarowicz:

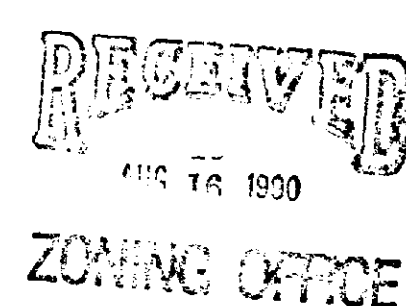
I have conferred with my colleagues, Robert Glushakow, regarding the substance of the meeting which was held in your office on July 24, 1990, when I was on vacation. As you will recall, both Ms. Friedman and Mr. Zimmerman were in attendance at that meeting.

I have discussed with my client the issue pertaining to the transfer of Tract A to St. Paul's School, and I am authorized to report to you that the transfer of Tract A will be net of density. This will enable my client to support the density for the residential units, and yet eventually convey Tract A to St. Paul without any density.

With respect to the requested title examination, copies of deeds for the past sixty (60) years will be obtained, and arrangements will be made to have the property platted for purposes of establishing boundary lines for the subject property.

However, I was quite disappointed to learn that you may require additional testimony regarding the non-conforming uses of these residential units. It was always our understanding that there would be no additional "use testimony" which needed to be submitted on this issue, and I thought that this was confirmed with you on at least two (2) separate occasions. This was never discussed in our June 20, 1989 meeting, and I am enclosing a copy of your letter of December 16, 1988 which confirms this point. (copy enclosed)

I would appreciate an opportunity to discuss this particular aspect of the case with you by conference call, along with People's Counsel.



NEWTON A. WILLIAMS  
WILLIAM M. HESSON, JR.  
THOMAS J. PENNER  
STEPHEN J. NOLAN  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHEENING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
LOUIS G. CLOSE, III  
E. BRUCE JONES  
KERA L. KOSTUN  
GREGORY J. JONES  
\*ALSO ADMITTED IN D.C.  
\*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES  
NOLAN, PLUNHOFF & WILLIAMS  
CHARTERED  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(301) 823-7800  
TELEFAX: (301) 296-2765

J. EARLE PLUMHOFF  
(RETIRED 1980)  
JAMES D. NOLAN  
(RETIRED 1980)  
OF COUNSEL  
RALPH E. DEITZ  
(RETIRED 1980)  
9026 LIBERTY ROAD  
RANDALLSTOWN, MARYLAND 21133  
(301) 922-2121  
WRITER'S DIRECT DIAL  
823 - 7852

June 6, 1990

#### HAND DELIVERY

Honorable Ann M. Nastarowicz  
Deputy Zoning Commissioner  
For Baltimore County  
County Office Building  
Towson, Maryland 21204

Re: Case No.: 89-171-SPH  
Petition for Special Hearing  
Petitioner: Emerson Farms and Company

Dear Commissioner Nastarowicz:

Following the hearing in the above case on November 9, 1988, there was a joint request for the continuation of the balance of the hearing made by this attorney and People's Counsel. Although the continued hearing had originally been scheduled for March 3, 1989, we wrote to you at that time and requested a postponement in view of the fact that the parties were continuing to explore a possible resolution of certain open issues by means of a condominium regime for the property.

Since that time, my partner, Robert Glushakow, has met with Mrs. Friedman and they have made substantial progress toward finalizing the condominium documents. Nevertheless, we believe that it would be beneficial to all parties concerned if you would kindly schedule a status conference in your office so that we can determine how we need to proceed from this point in order to complete the zoning hearing process.

I greatly appreciate your kind consideration of this request.

Very truly yours,

*Stephen J. Nolan*  
Stephen J. Nolan

SJN/mao

cc: Phyllis C. Friedman, Esquire  
People's Counsel for Baltimore County  
Mr. Richard A. Moore  
J.M. Dryden Hall, Jr., Esquire  
Robert S. Glushakow, Esquire



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353  
J. Robert Haines  
Zoning Commissioner

December 16, 1988

Stephen J. Nolan, Esquire  
Nolan, Plumbhoff & Williams  
300 E. Joppa Road, Suite 1105  
Towson, Maryland 21204

Phyllis Freedman, Esquire  
Peter Zimmerman, Esquire  
People's Counsel for Baltimore County  
County Office Building  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
N/S Greenspring Valley Road, 1150' W of the c/l of Falls Road  
(800 Greenspring Valley Road)  
8th Election District - 3rd Councilmanic District  
Emerson Farms & Company - Petitioners  
Case No. 89-171-SPH

Dear Mr. Nolan, Mr. Freedman & Mr. Zimmerman:

The purpose of this letter is to follow-up my telephone conversation with Ms. Freedman and Mr. Nolan on Friday, December 9, 1988 in which we discussed rescheduling the above-captioned matter at a mutually convenient date and time to further address the issues raised by People's Counsel in their letters dated November 25, 1988 and December 6, 1988.

While generally I would not reschedule a hearing to permit additional evidence on matters raised by People's Counsel in a hearing they did not attend, I indicated at the hearing I had some concerns about the request and would review the file and determine if a legal memorandum and/or additional testimony were required. It is my understanding the parties prefer the matter be rescheduled for oral arguments and limited testimony, if deemed appropriate, rather than submitting written memoranda at this time. Please be advised that it will not be necessary to present any direct testimony regarding the issue of whether or not the houses have been occupied continuously and without interruption since prior to 1945 as the testimony presented at the hearing was sufficient on that issue.

As indicated, your offices will be contacted to verify the date and time chosen are convenient for you prior to the hearing being set. Further, contact will be made with both Lisa Keir, Executive Director of



Dennis F. Rasmussen  
County Executive

the Valleys Planning Council, and A. Douglas McComas, Executive Director of the Falls Road Community Association as they did appear as interested parties at the original hearing. The hearing date will be selected at their convenience as well if they are interested in attending.

Thank you for your assistance in this matter.

Very truly yours,

*J. Robert Haines*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: Lisa Keir, Executive Director  
Valleys Planning Council, Box 5402, Towson, Md. 21285-5402

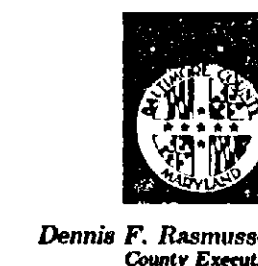
A. Douglas McComas, Executive Director  
Falls Road Community Association, Box 555, Brooklandville, Md. 21022

Gwendolyn Stephens  
Case File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 897-3353  
J. Robert Haines  
Zoning Commissioner

June 22, 1989

Stephen J. Nolan, Esq.  
Nolan, Plumbhoff & Williams  
1105 Hampton Plaza  
Towson, Maryland 21204



Dennis F. Rasmussen  
County Executive

Re: Emerson Farms and Company  
Case Number: 89-171-SPH

Dear Mr. Nolan:

Pursuant to your letter of March 3, 1989, postponement of the above matter was requested for a period of 45 - 60 days to allow the parties time in which to find resolutions of open issues.

Since that writing we have not heard from you. It is requested that you advise this office of the present status of this matter.

Further, at such time the case is ready to be reheard, please contact this office for available dates in order that you may confirm agreeable dates between the parties.

Very truly yours,

*J. Robert Haines*  
J. G. Stephens  
Hearing Desk

GG5

To: FR  
From: AMN

Re: 89-171 SPH

TK 3/2/89 ska Nolan @ 4:30 p.m.  
Just request by People's Counsel & Petitioner  
for continuance -

He will contact us about rescheduling -  
Have Steve Nolan confer or agreeable date with  
People's Counsel &

Prior to setting -  
make sure

Doug McComas 252-1095 & Lisa Keir  
to clear date

File - needed w/ attys I don't think  
more than 21-1/2 hrs

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**  
CHARTERED  
SUITE 1105, HAMPTON PLAZA  
300 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204-3095  
(301) 823-7800  
TELEFAX (301) 296-2765  
FEB 01 1989  
March 3, 1989

J. EARLE PLUMHOFF  
(301) 823-7800  
JAMES D. NOLAN  
(301) 823-7800  
OF COUNSEL  
RALPH E. DEITZ  
9025 LIBERTY ROAD  
RANDALLSTOWN, MARYLAND 21133  
(301) 522-2121

HAND DELIVERY

The Honorable Ann M. Nastarowicz  
Deputy Zoning Commissioner  
for Baltimore County  
County Office Building  
Towson, Maryland 21204

RE: Case No. 89-171-SPH  
Petition for Special Hearing  
Petitioner: Emerson Farms and Company

Dear Commissioner Nastarowicz:

This will confirm my brief telephone discussion with you yesterday afternoon concerning the postponement of the continued hearing in the above case, which postponement was jointly requested by this attorney and People's Counsel, Phyllis Friedman. The reason for this requested postponement is to enable the Petitioner and the Office of People's Counsel to continue to explore a possible resolution of the open issues by means of a condominium regime for the property.

Although a final settlement has not yet been reached, substantial progress has been made and we will be submitting certain proposed condominium documents for Ms. Friedman's review.

Therefore, I am requesting that this matter be continued for approximately 45 to 60 days. I regret any inconvenience this late postponement may have caused you, your office and the other interested parties.

Very truly yours,

*Stephen J. Nolan*  
Stephen J. Nolan

SJN/caw  
cc: Phyllis C. Friedman, Esquire  
People's Counsel for Baltimore County  
Mr. Jack Dillon  
Office of Planning and Zoning  
Ms. Lisa Keir, Executive Director  
Valleys Planning Council, Inc.  
Mr. Richard A. Moore  
J. M. Dryden Hall, Jr., Esquire

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353  
J. Robert Haines  
Zoning Commissioner

FEB 01 1989

NOTICE OF HEARING



Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing  
CASE NUMBER: 89-171-SPH  
N/S Greenspring Valley Road, 1150' W of c/l Falls Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): Emerson Farms and Company  
HEARING SCHEDULED: FRIDAY, MARCH 3, 1989 at 9:30 a.m.

Special Hearings: To approve and confirm the nonconforming use status of the subject seven (7) historic dwellings, and approve and determine the owners' right to subdivide and separately convey the existing residential units through the use of a home-owners or condominium association in accordance with the attached plat.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

*J. Robert Haines*

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

Page 12

Re: Notice of Hearing  
Emerson Farms and Company  
Case Number: 89-171-SPH

cc: Stephen J. Nolan, Esq.  
Phyllis Friedman/Peter Zimmerman, MS 2205  
John J. Dillon, MS 3402  
W. James Howard  
Thomas W. Greene  
Richard A. Moore  
J. M. Dryden Hall, Jr.  
Loni Ingraham  
A. D. McComas  
Lisa S. Keir

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME  
STEPHEN J. NOLAN

ADDRESS  
Sta 1105, 300 E. Joppa Rd.  
TOWSON 21204

Mr. James Howard

CHURCHILL HILL, CHASE, MD 21117

THOMAS W. GREENE

Box 12, PHOENIX, MD 21131

Richard A. Moore

P.O. Box 173, Phoenix, MD 21131

J. M. Dryden Hall, Jr.

1926 RUXTON RD, BALTO. MD 21204

Jack Dillon

Beth C. O.P.Z.

Loni Ingraham

409 WASHINGTON AVE 21204 (TOWSON TIMES)

Other

A. D. McComas, Esq. Dir

FPCA, P.O. Box 555, Brooklandville 21022

E. F. Raphael

COURTLAND AVE. TOWSON



Baltimore County  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3211  
P. David Fields  
Director



November 4, 1988

Dennis F. Rasmussen  
County Executive

Ms. Nancy DiSanto-Stefano  
Gaylord Brooks  
P.O. Box 193  
Phoenix, MD 21131

Dear Ms. DiSanto-Stefano:

Per your request, I am enclosing a copy of the National Register site description of the "Brooklandwood Tenant Houses." These houses were posted as required in Sec. 22-150(b) of the County Code, 1978. Following a 45-day notice period, the Landmarks Preservation Commission met on September 8, 1988, and voted to add the structures to the Baltimore County Preliminary Landmarks List.

Sincerely,  
  
John W. McDrain, Executive Secretary  
Landmarks Preservation Commission

JWM/sf

Enclosure: N.R. form

**PETITIONER  
EXHIBIT 4**

BALTIMORE COUNTY LANDMARKS PRESERVATION COMMISSION  
PRELIMINARY LANDMARKS LIST - NO. 33  
(Sixth Series)

The Baltimore County Landmarks Preservation Commission was authorized by the County Council in 1976 and the 33rd public hearing of the Commission was held on September 8, 1988. The following structures were named to the Preliminary Landmarks List:

- Bosley United Methodist Church and cemeteries  
14801 Thornton Mill Road, Sparks
- Valley Brook Farm, and vista from SE facade to wheel house and pond  
16620 Wesley Chapel Road, Monkton
- Brooklandville Tenant Houses, Nos. 1,2,3  
800 Green Spring Valley Road, Brooklandville

As required by the Landmarks Preservation act:

"Copies of the Preliminary Landmarks List and the Final Landmarks List shall be available for public inspection in the Department of Permits and Licenses, the Office of Planning and Zoning, the Baltimore County Public Library and in the Office of the Commission."

--Baltimore County Code 1978, title "Planning, Zoning and Subdivision Control" under new Article VI, "Historical and Architectural Preservation." Section 22-150 (e).

11/4/88

BALTIMORE COUNTY, MARYLAND  
Inter-Office Correspondence

TO: Gwendolyn Stephens  
Docket Clerk  
DATE: December 14, 1988  
FROM: Ann M. Nastarowicz  
Deputy Zoning Commissioner  
SUBJECT: Petition for Special Hearing  
N/S Greenspring Valley Road, 1150' W of the c/l of Falls Road  
(800 Greenspring Valley Road)  
8th Election District - 3rd Councilmanic District  
Emerson Farms & Company - Petitioners  
Case No. 89-171-SPH

In accordance with the attached correspondence, please schedule the above-captioned matter for some time in February or March 1989 at a time convenient to People's Counsel, Steve Nolan, Lisa Keir and A. D. McComas. In the event Mr. McComas or Ms. Keir are not interested in attending the hearing, please make a note of that in the file and follow it up in writing to them confirming that they are not interested in attending the hearing.

If you have any questions on the subject, please do not hesitate to see me.

AMN:bjs

cc: File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3233  
887-3353

J. Robert Haines  
Zoning Commissioner

December 16, 1988



Dennis F. Rasmussen  
County Executive

Stephen J. Nolan, Esquire  
Nolan, Plumbhoff & Williams  
300 E. Joppa Road, Suite 1105  
Towson, Maryland 21204

Phyllis Freedman, Esquire  
Peter Zimmerman, Esquire  
People's Counsel for Baltimore County  
County Office Building  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
N/S Greenspring Valley Road, 1150' W of the c/l of Falls Road  
(800 Greenspring Valley Road)  
8th Election District - 3rd Councilmanic District  
Emerson Farms & Company - Petitioners  
Case No. 89-171-SPH

Dear Mr. Nolan, Mr. Freedman & Mr. Zimmerman:

The purpose of this letter is to follow-up my telephone conversation with Ms. Freedman and Mr. Nolan on Friday, December 9, 1988 in which we discussed rescheduling the above-captioned matter at a mutually convenient date and time to further address the issues raised by People's Counsel in their letters dated November 25, 1988 and December 6, 1988.

While generally I would not reschedule a hearing to permit additional evidence on matters raised by People's Counsel in a hearing they did not attend, I indicated at the hearing I had some concerns about the request and would review the file and determine if a legal memorandum and/or additional testimony were required. It is my understanding the parties prefer the matter be rescheduled for oral arguments and limited testimony, if deemed appropriate, rather than submitting written memoranda at this time. Please be advised that it will not be necessary to present any direct testimony regarding the issue of whether or not the houses have been occupied continuously and without interruption since prior to 1945 as the testimony presented at the hearing was sufficient on that issue.

As indicated, your offices will be contacted to verify the date and time chosen are convenient for you prior to the hearing being set. Further, contact will be made with both Lisa Keir, Executive Director of

the Valleys Planning Council, and A. Douglas McComas, Executive Director of the Falls Road Community Association as they did appear as interested parties at the original hearing. The hearing date will be selected at their convenience as well if they are interested in attending.

Thank you for your assistance in this matter.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: Lisa Keir, Executive Director  
Valleys Planning Council, Box 5402, Towson, Md. 21285-5402

A. Douglas McComas, Executive Director  
Falls Road Community Association, Box 555, Brooklandville, Md. 21022

Gwendolyn Stephens  
Case File

Case No. 89-171-SPH

LIST OF PETITIONER'S WITNESSES

Mr. Eugene F. Raphael, L.S.  
205 Courtland Avenue  
Towson, Maryland 21204  
Land Surveyor and  
Site Planner

Mr. Richard A. Moore  
General Partner  
Emerson Farms and Company  
P.O. Box 193  
Paper Mill Road  
Phoenix, Maryland 21131  
Petitioner and  
Preservationist

J. M. Dryden Hall, Jr., Esquire  
Emerson Farms and Company  
c/o Suite 1212  
Ten East Baltimore Street  
Baltimore, Maryland 21202  
Petitioner

Mr. John J. Dillon, Jr.  
Planner  
Office of Planning and Zoning  
4th Floor  
County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204  
OPZ

Ms. Lisa Kier  
Executive Director  
Valleys Planning Council  
212 Washington Avenue  
Towson, Maryland 21204

Mr. A. Douglas McComas  
Executive Director  
Falls Road Community Association  
Box 555  
Brooklandville, Maryland 21022

Mr. James Howard  
Greenspring Avenue  
Stevenson, Maryland 21153

Mr. Tom Greene  
W. C. Pinkard & Company  
606 Kenilworth Avenue  
Towson, Maryland 21204

Mrs. Anne Deford

By letter:

John W. Beckley, Esquire  
President  
Stevenson - Brooklandville  
Improvement Association, Inc.  
Stevenson, Maryland 21153

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines  
Zoning Commissioner  
TO: Zoning Commissioner  
Pat Keller, Deputy Director  
Office of Planning and Zoning  
FROM: Emerson Farms & Co.  
SUBJECT: Zoning Petition No. 89-171-SPH  
Date: November 9, 1988

The Office of Planning and Zoning is in support of the above petition.

FK/sf

STEVENSON-BROOKLANDVILLE  
IMPROVEMENT ASSOCIATION, INC.  
STEVENSON, MARYLAND 21153

November 8, 1988

Honorable J. Robert Haines  
Zoning Commissioner for  
Baltimore County  
County Office Building  
Towson, Maryland 21204

Re: Emerson Farms Petition for Special Hearing  
Case Number: 89-171-SPH

Dear Commissioner Haines:

It is my understanding that a hearing has been scheduled in the above case on Wednesday, November 9, 1988 at 9:30 P.M.

As President of the Stevenson-Brooklandville Improvement Association, Inc., I want to express our favorable support of the Petitioner's request for zoning approval of its existing non-conforming use on this 2.6 acre portion of the former Emerson Farms property. The zoning approval which the Petitioner seeks will greatly increase the likelihood that the seven (7) historic dwellings will be preserved for the future.

The Petitioner has added this property to the Baltimore County Landmarks list and the relief sought should be consistent with the spirit of preserving the Green Spring Valley's character and rural nature.

Thank you for your kind consideration of these comments. If you have any questions regarding this matter you can reach me at (301) 547-1919 during the day.

Very truly yours,

John W. Beckley

JWB/pag

cc: Valleys Planning Council, Inc.  
Attn: Ms. Lisa Keir  
Stephen J. Nolan, Esquire

**PETITIONER  
EXHIBIT 5**



**THE VALLEYS  
PLANNING COUNCIL, INC.**

212 Washington Avenue  
P.O. Box 5402  
Towson, Maryland 21285-5402  
(301) 337-6877

*Case 89-171-SPH*

January 3, 1989

**RECEIVED**  
JAN 5 1989  
**ZONING OFFICE**

Ann M. Nastarowicz  
Deputy Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Dear Ms. Nastarowicz,

Thank you for sending me a copy of your letter to the attorneys concerned in the Emerson Farms case.

Since the rescheduled hearing would be for legal arguments, I do not anticipate participating in the hearing. However, I would appreciate your notifying me of the hearing date so that I can plan to be present.

Cordially,

*Lisa S. Keir*  
Lisa S. Keir  
Executive Director

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

January 18, 1989



Stephen J. Nolan, Esq.  
Nolan, Plumbhoff & Williams  
300 E. Joppa Road, Suite 1105  
Towson, Maryland 21204

Phyllis Freedman, Esq.  
Peter Zimmerman, Esq.  
People's Counsel For Baltimore County  
County Office Building  
Towson, Maryland 21204

Dennis F. Rasmussen  
County Executive

Re: Petition for Special Hearing  
N/S Greenspring Valley Road, 1150' W of the c/l of Falls Road  
(800 Greenspring Valley Road)  
8th Election District - 3rd Councilmanic  
Emerson Farms & Company - Petitioners  
Case Number: 89-171-SPH

Dear Mr. Nolan, Ms. Freedman, & Mr. Zimmerman:

Regarding scheduling the continued hearing of the above reference matter, please be advised that we are looking at the dates of March 2, 1989, March 3, 1989, and March 10, 1989. The starting time for the hearing will be 9:30 a.m.

Please contact me immediately, advising which of the above dates will best fit into your schedule.

By copy of this letter, it is requested that Lisa Keir of Valleys Planning Council and A. Douglas McComas of Falls Road Community Association please contact me if they have a problem with one of the above dates.

Your anticipated cooperation is appreciated.

Very truly yours,

*[Signature]*  
J. Robert Haines  
Zoning Commissioner

GGS:mf

cc: Lisa Keir, Executive Director  
Valleys Planning Council, Box 5402, Towson, MD 21285-5402

A. Douglas McComas, Executive Director  
Falls Road Community Association, Box 555, Brooklandville, MD 21022

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

December 16, 1988



Dennis F. Rasmussen  
County Executive

Stephen J. Nolan, Esquire  
Nolan, Plumbhoff & Williams  
300 E. Joppa Road, Suite 1105  
Towson, Maryland 21204

Phyllis Freedman, Esquire  
Peter Zimmerman, Esquire  
People's Counsel for Baltimore County  
County Office Building  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
N/S Greenspring Valley Road, 1150' W of the c/l of Falls Road  
(800 Greenspring Valley Road)  
8th Election District - 3rd Councilmanic District  
Emerson Farms & Company - Petitioners  
Case No. 89-171-SPH

Dear Mr. Nolan, Mr. Freedman & Mr. Zimmerman:

The purpose of this letter is to follow-up my telephone conversation with Ms. Freedman and Mr. Nolan on Friday, December 9, 1988 in which we discussed rescheduling the above-captioned matter at a mutually convenient date and time to further address the issues raised by People's Counsel in their letters dated November 25, 1988 and December 6, 1988.

While generally I would not reschedule a hearing to permit additional evidence on matters raised by People's Counsel in a hearing they did not attend, I indicated at the hearing I had some concerns about the request and would review the file and determine if a legal memorandum and/or additional testimony were required. It is my understanding the parties prefer the matter be rescheduled for oral arguments and limited testimony, if deemed appropriate, rather than submitting written memoranda at this time. Please be advised that it will not be necessary to present any direct testimony regarding the issue of whether or not the houses have been occupied continuously and without interruption since prior to 1945 as the testimony presented at the hearing was sufficient on that issue.

As indicated, your offices will be contacted to verify the date and time chosen are convenient for you prior to the hearing being set. Further, contact will be made with both Lisa Keir, Executive Director of

the Valleys Planning Council, and A. Douglas McComas, Executive Director of the Falls Road Community Association as they did appear as interested parties at the original hearing. The hearing date will be selected at their convenience as well if they are interested in attending.

Thank you for your assistance in this matter.

Very truly yours,

*[Signature]*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: Lisa Keir, Executive Director  
Valleys Planning Council, Box 5402, Towson, Md. 21285-5402

A. Douglas McComas, Executive Director  
Falls Road Community Association, Box 555, Brooklandville, Md. 21022

Gwendolyn Stephens  
Case File

BALTIMORE COUNTY, MARYLAND  
Inter-Office Correspondence

TO: Gwendolyn Stephens  
Docket Clerk

DATE: December 14, 1988

FROM: Ann M. Nastarowicz  
Deputy Zoning Commissioner

SUBJECT: Petition for Special Hearing  
N/S Greenspring Valley Road, 1150' W of the c/l of Falls Road  
(800 Greenspring Valley Road)  
8th Election District - 3rd Councilmanic District  
Emerson Farms & Company - Petitioners  
Case No. 89-171-SPH

In accordance with the attached correspondence, please schedule the above-captioned matter for some time in February or March 1989 at a time convenient to People's Counsel, Steve Nolan, Lisa Keir and A. D. McComas. In the event Mr. McComas or Ms. Keir are not interested in attending the hearing, please make a note of that in the file and follow it up in writing to them confirming that they are not interested in attending the hearing.

If you have any questions on the subject, please do not hesitate to see me.

AMN:bjs

cc: *File*



Baltimore County, Maryland

PEOPLE'S COUNSEL  
ROOM 304, COUNTY OFFICE BUILDING  
111 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
494-2188

PHYLLIS COLE FRIEDMAN  
People's Counsel

December 6, 1988

**RECEIVED ZONING OFFICE**  
DATE: *12/16/88*

PETER MAX ZIMMERMAN  
Deputy People's Counsel

The Honorable  
Ann M. Nastarowicz  
Deputy Zoning Commissioner  
County Office Bldg., First Floor  
Towson, Maryland 21204

RE: Emerson Farms & Co., Petitioner  
Zoning Case No. 89-171-SPH

Dear Mrs. Nastarowicz:

This is a followup to the letter dated November 25, 1988 from this office regarding the above property. Since that time, we have obtained a copy of the plat and have reviewed carefully the proposed "Declaration of Covenants and Restrictions." Based upon this review, it is clear that what is requested here is nothing more nor less than a subdivision of R.C. 2 land in violation of the density regulations.

Although a book could easily be written on the illegalities in this proposal, I would like to make the following brief remarks:

The plat itself contains language stating that it is a "PLAT TO ACCOMPANY ZONING PETITION FOR: ... 2) THE RIGHT TO SUBDIVIDE(ED) (sic) & CONVEY THE EXISTING DWELLING UNITS." On the plat are property lines drawn that include substantial amounts of ground. In addition, parking appears that is not part of the historical use. The proposed "Declaration of Covenants and Restrictions" does not create a condominium in accordance with state law nor does it create any other recognized unitary type of estate in the total parcel such as a cooperative. These covenants do not even provide for the maintenance of the common areas. In short, they are nothing but thinly disguised subdivision restrictions.

I too appreciate the historical significance of these properties but this proposal would sacrifice the integrity of the R.C. zoning in Baltimore County. If every tenant house, outbuilding, barn and other accessory structure could be renovated, subdivided and sold, the R.C. regulations would become a sham. There is a right way and a wrong way to achieve an objective and, in this case, the Petitioners are definitely asking for permission to proceed with the wrong way.

Sincerely yours,

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel

\*Md. Ann. Code Real Property  
Article, Sec. 11-101

- 2 -

The Honorable  
Ann M. Nastarowicz  
Deputy Zoning Commissioner

December 6, 1988

cc: Stephen J. Nolan, Esquire  
Michael J. McMahon, Esquire  
Lisa Keir, Executive Director,  
Valleys Planning Council  
Pat Keller, Deputy Director, OPZ  
Wallace S. Lippincott, Jr., OPZ

PCF:sh





# Baltimore County, Maryland

PEOPLE'S COUNSEL  
ROOM 304, COUNTY OFFICE BUILDING  
111 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
887-2188

PHYLLIS COLE FRIEDMAN  
People's Counsel

PETER MAX ZIMMERMAN  
Deputy People's Counsel

November 25, 1988

The Honorable  
Ann M. Nastarowicz  
Deputy Zoning Commissioner  
County Office Building, First Floor  
Towson, Maryland 21204

RECEIVED ZONING OFFICE  
DATE: 11/25/88

RE: Emerson Farms & Co., Petitioner  
Zoning Case No. 89-171-SPH

Dear Mrs. Nastarowicz:

Upon review of this file, the recent correspondence from Mr. Nolan, dated November 21, 1988, and the newspaper article in the *Jeffersonian*, dated November 17, 1988, I must make these observations on the law of nonconforming uses.

The law in Baltimore County under B.C.Z.R. 104.1, as in other political subdivisions in Maryland is very restrictive in its approach. Any change in use will terminate the nonconforming use. In addition, any abandonment for a period of a year will terminate the use, as will discontinuance.

There is, at the very least, a serious question as to whether subdivision of this site, transformation from rental to separately owned units, and accompanying renovation constitutes a legal change. In a relatively recent decision, Judge Gough, then on the Court of Special Appeals, noted that a change may occur "even if there is no outward change in the appearance of the facility being used." *N.I.H. Federal Credit Union v. Hawk*, 47 Md. App. 189, 200, 422 A.2d 55 (1980). In *Anderson, American Law of Zoning* 3d, Section 6.37 (1986), there is a good discussion of the issue of "change in the kind or quality of use." It is enclosed.

Separately, it should be noted that cessation of a use for the one year period would, as a matter of law, constitute an abandonment. Thus, if it is contemplated that these premises will be vacant for that period of time during redevelopment, there cannot be a continuation of nonconforming use status. Moreover, even if it works out that any of the units are vacant for that period of time, this would end the use for that unit as well as, arguably, the rest of the subdivision. See *Canada's Tavern, Inc. v. Tom of Glen Echo*, 260 Md. 206, 271 A.2d 664 (1970), *Harford County v. McDonough*, 74 Md. App. 119, 536 A.2d 724 (1988).

The Honorable  
Ann M. Nastarowicz  
Deputy Zoning Commissioner

November 25, 1988

The Master Plan should also be considered. See the case of Charles M. Lott Property Subdivision, CBA-88-141, for consideration of Master Plan consistency of subdivision proposals on land zoned agricultural.

I appreciate your consideration of these points as you review the record in this case. The decision here might have major implications for other properties around the north county. Instead of withering away, nonconforming tenant uses may breathe new life as annotated and publicly approved developments.

Very truly yours,

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel

Enclosure

cc: Stephen J. Nolan, Esquire  
Michael J. McMahon, Esquire  
Lisa Keir, Executive Director,  
Valleys Planning Council  
Pat Keller, Director, OPZ  
Wallace S. Lippincott, Jr., OPZ

PMZ:sh

as of the right of  
reached a contrary  
change to a use  
re restrictive class  
permissive, as well

for a nonconforming  
Y, a landowner making  
use of his property to  
ice construction equip-  
remodel for use as a  
gasoline station with-  
a variance. *Calacani*  
Zoning Bd. of Appeals,  
d 845, 392 NYS2d 86

Zoning Adjustment ac-  
nonconforming use to  
se breeding farm, was  
substantial evidence  
it changed presiding  
commercial venture, he  
d to continue the use  
nonconforming use. *Mullen*  
557 SW2d 652 (1977,

t to continue a noncon-  
om-use use is not lost  
convert to an illegal  
use. *McDonald v*  
stment, 561 SW2d 218  
App San Antonio.

1. See, for example, § 6.44, infra.  
2. See, for example, § 6.38, infra.

3. *Kensington Realty Holding Corp.*  
v. Jersey City, 118 NJL 114, 191 A 787  
(1937), aff'd 119 NJL 338, 196 A 691.

4. *Lyons v. Dean*, 324 Mass 607, 87  
NE2d 949 (1949).

5. *Simone v. Peters*, 135 NJL 495, 53  
A2d 315 (1947).

6. *Altpa, Inc. v. North Huntingdon*  
Township Zoning Hearing Bd., 67 Pa  
Cmwlth 80, 445 A2d 1358 (1982).

7. *Thomas v. Zoning Bd. of Appeals*,  
72 Ill App 3d 934, 29 Ill Dec 277, 391  
NE2d 640 (1978, 3d Dist).

## NONCONFORMING USES § 6.37

as more flexible, are ordinances which permit change of a nonconforming use with approval of a board of adjustment or other administrative body. Where the cases disclose the text or the general tenor of the regulation of change, they are collected under appropriate section captions. But the large number of cases in which the courts either have not specifically relied on an ordinance, or, relying on one, have not indicated its specific nature, are considered together under more general captions. In these sections, a flat prohibition of change of use is assumed, and the discussion is focused upon the criteria employed to determine whether a change of use is sufficient to be regarded as such within the meaning of the prohibition.

### § 6.37. Change in the kind or quality of use.

Under a zoning ordinance which proscribes change of use, one nonconforming use may not be substituted for another. The application of this rule is not difficult where the new use is totally unlike the old one. Where, for example, a doctor's office was changed to a funeral home, the court found an unlawful change of use. The same result was reached where a dance hall was converted to a restaurant, a post office was changed to a cleaning establishment, a restaurant was changed to an adult bookstore, a theatre was substituted for a restaurant, a restaurant was changed to a tavern, a rehabilitation center was converted to a convent, and a riding academy became a manu-

8. A change of a nonconforming restaurant to a tavern which serves liquor as well as food is a change which is prohibited by a provision which proscribes any change except to a conforming use. *Phillips v. Griskany*, 57 App Div 2d 110, 394 NYS2d 941 (1977, 4th Dept).

9. Nonconforming use of a property as a rehabilitation center was a different nonconforming use from that of a convent, though structure continued as housing for approximately 30 unrelated individuals and therefore required a variance. *Dearden v. Detroit*, 70 Mich App 163, 245 NW2d 100 (1976), rev'd 403 Mich 257, 269 NW2d 139.

561

J. EARLE PLUMHOFF  
NEWTON A. WILLIAMS  
WILLIAM M. HESSON, JR.  
THOMAS J. KENNER  
ROBERT L. HANLEY, JR.  
STEPHEN J. NOLAN  
ROBERT S. GUSHAKOW  
DOUGLAS L. BURGESS  
ROBERT C. BARNETT  
THOMAS K. ALDERMAN  
\*ALSO ADMITTED TO D.C.  
\*ADMITTED TO TEXAS BAR ONLY

LAW OFFICES  
NOLAN, PLUMHOFF & WILLIAMS  
CHARTERED  
SUITE 1105, HAMPTON PLAZA  
300 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204-3012  
(301) 823-7800  
TELEFAX (301) 296-2785

OF COUNSEL  
RALPH E. DEITZ  
9026 LINDSEY ROAD  
RANDALLSTOWN, MARYLAND 21133  
(301) 822-2121

November 21, 1988

RECEIVED  
NOV 23 1988

ZONING OFFICE

Ann M. Nastarowicz  
Deputy Zoning Commissioner  
County Office Building  
First Floor  
Towson, Maryland 21204

Re: Emerson Farms Petition for Special Hearing  
Case No. 89-171-SPH

Dear Commissioner Nastarowicz:

Following the hearing on November 9, 1988, I spoke with my clients, Emerson Farms and Company and Mr. Richard A. Moore, concerning the status of that portion of Tract A of Brooklandwood, which was not part of the 2.602 acre site which is the subject of our zoning request.

In the interest of clarifying the status of Tract A, Emerson Farms and Company would be willing, assuming favorable action on its special hearing request, to record a confirmatory deed in the Land Records of Baltimore County with a metes and bounds description of the balance of Tract A and with an express restriction that it is being created without any existing density. We would, however, like to include a reservation in that deed and on any site plan which would state that the acknowledgment of a lack of existing density would not be deemed to be a waiver or restriction on future rezoning of that balance of Tract A, so long as that rezoning is conferred some time in the future without any request being made by the owner. In other words, in the event that an increased density zoning designation is conferred on this property and neighboring properties as a result of comprehensive rezoning many years in the future, the owner does not want to be barred from availing itself of that increased zoning with respect to the balance of Tract A, even though the owner has no intention of seeking any such rezoning.

As requested at the zoning hearing, I am enclosing herewith a copy of a draft of the Declaration of Covenants and Restrictions for Emerson Farms. We respectfully request that

Ann Nastarowicz  
November 21, 1988  
Page 2

only the language contained in Article V, Section 2 (a) be incorporated in the Zoning Order and shown on any site plan; namely:

### Building Restrictions

No existing dwelling may be removed from any lot. Nothing herein contained shall prevent removal of portions of dwellings for the purpose of renovation and repair subject, however, to the provisions governing architectural review as contained in the Declaration of Restrictions to be recorded among the Land Records of Baltimore County.

If you have any questions with regard to this matter, please do not hesitate to contact me. Thank you for your kind consideration of this request.

Very truly yours,

*Stephen J. Nolan*  
Stephen J. Nolan

SJN/mao

Enclosure

CC: Phyllis Friedman, Esquire  
People's Council for Baltimore County  
Lisa Kier  
Executive Director, Valleys Planning Council  
Mr. Richard A. Moore  
Mr. J. M. Dryden Hall  
Mr. Eugene Raphael

RAM/nd  
11/15/88

DRAFT

## DECLARATION OF COVENANTS AND RESTRICTIONS EMERSON FARMS

THIS DECLARATION OF COVENANTS AND RESTRICTIONS made this day of November, 1988, by Emerson Farms Company, hereinafter called the "Declarant".

### RECITALS

(A) The Declarant is the owner, in fee simple, of the tract of land lying in the Eighth Election District of Baltimore County, Maryland, formerly being a portion of Tract A "Brooklandwood" recorded among the Land Plat Records of Baltimore County in Liber E.H.J., Jr. 39, Folio 80, containing 2.602 acres more or less of land, and now shown on the Plat entitled Subdivision-Part of Tract "A" Brooklandwood, (hereinafter referred to as the "Plat"), which plat is recorded among the Land Records of Baltimore County in Liber \_\_\_\_\_, Folio \_\_\_\_\_.

(B) The Declarant, for the purposes of creating and maintaining a general scheme of development and for the protection of the economic interest of the Declarant, desires that the aforesaid lots be subject to the covenants, conditions and restrictions hereinafter set forth, for the benefit of the Declarant, and the future owners of all lots in the development.

(C) The purpose of the Covenants and Restrictions is to enhance the quality of the Subdivision, as hereafter defined, and to support maximum property value for the Declarant and future property owners. To further these purposes, the Declarant and each Lot Owner, as hereafter defined, has the individual right, but not any obligation to enforce these Covenants and Restrictions against any violation by means as provided herein or by appropriate legal proceedings. The Declarant has no legal obligation to enforce these Covenants and Restrictions but may selectively act to further its own best interests. Any Lot Owner has the right to retain legal counsel to enforce any of the Covenants and Restrictions.

## STEVENSON-BROOKLANDVILLE IMPROVEMENT ASSOCIATION, INC. STEVENSON, MARYLAND 21153

November 8, 1988

Honorable J. Robert Haines  
Zoning Commissioner for  
Baltimore County  
County Office Building  
Towson, Maryland 21204

Re: Emerson Farms Petition for Special Hearing  
Case Number: 89-171-SPH

Dear Commissioner Haines:

It is my understanding that a hearing has been scheduled in the above case on Wednesday, November 9, 1988 at 9:30 P.M.

As President of the Stevenson-Brooklandville Improvement Association, Inc., I want to express our favorable support of the Petitioner's request for zoning approval of its existing non-conforming use on this 2.6 acre portion of the former Emerson Farms property. The zoning approval which the Petitioner seeks will greatly increase the likelihood that the seven (7) historic dwellings will be preserved for the future.

The Petitioner has added this property to the Baltimore County Landmarks list and the relief sought should be consistent with the spirit of preserving the Green Spring Valley's character and rural nature.

Thank you for your kind consideration of these comments. If you have any questions regarding this matter you can reach me at (301) 547-1919 during the day.

Very truly yours,

*John W. Beckley*  
John W. Beckley  
JWB/pag

cc: Valleys Planning Council, Inc.  
Attn: Ms. Lisa Keir  
Stephen J. Nolan, Esquire

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
N/S Greenspring Valley Rd., : OF BALTIMORE COUNTY  
1190 W of C/L Falls Rd., :  
8th Election Dist.:  
3rd Councilmanic Dist. :  
EMERSON FARMS AND COMPANY, : Case No. 89-171-SPH  
Petitioner :  
: : : : :  
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 24th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esquire, 300 E. Joppa Rd., Suite 1105, Towson, MD 21204, Attorney for Petitioner.

*Peter Max Zimmerman*  
Peter Max Zimmerman



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Emerson Farms and Company  
P.O. Box 513  
Paper Mill Road  
Phoenix, Maryland 21131

ATTN: MR. RICHARD A. MOORE

Re: Petition for Special Hearing  
CASE NUMBER: 89-171-SPH  
NS Greenspring Valley Road, 1150' W of c/l Falls Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): Emerson Farms and Company  
HEARING SCHEDULED: WED., NOVEMBER 9, 1988 at 9:30 a.m.\*

Dennis F. Rasmussen  
County Executive

Date: 10/27/88

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 (15) minutes before

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE 11/9/88 ACCOUNT R-01-815-000

AMOUNT \$ 120.43

RECEIVED Emerson Farms and Co.

FOR Posting and Advertising 11/9/88 Hearing

89-171-SPH

EMERSON FARMS AND COMPANY

POST SET(S), there each set not

EMERGENCY PLAN IN EFFECT BE RESCHEDULED.

CONFIRM NEW DATE.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

September 27, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing  
CASE NUMBER: 89-171-SPH  
NS Greenspring Valley Road, 1150' W of c/l Falls Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): Emerson Farms and Company  
HEARING SCHEDULED: WED., NOVEMBER 9, 1988 at 9:30 a.m.\*

Dennis F. Rasmussen  
County Executive

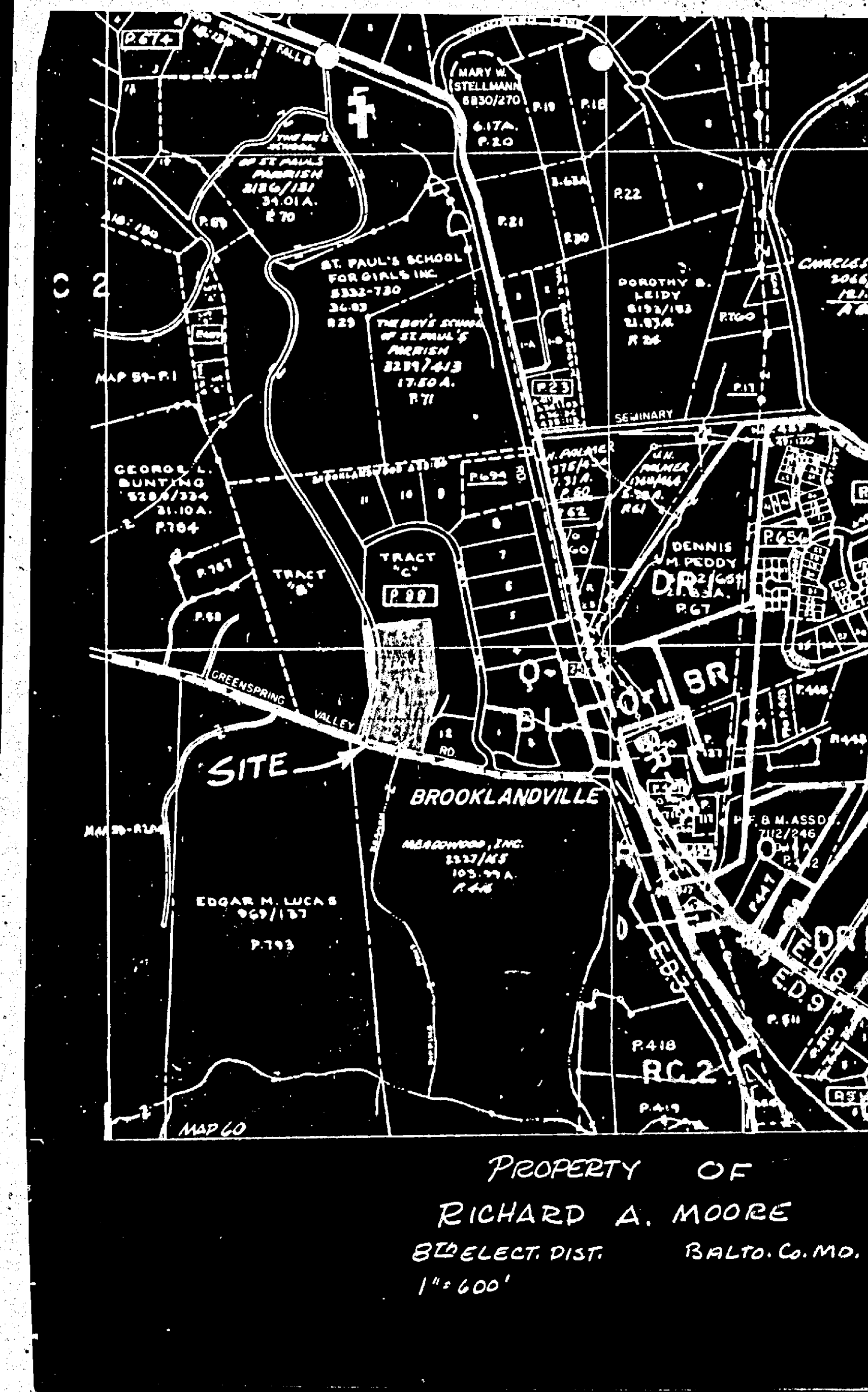
Special Hearing To approve and confirm the nonconforming use status of the subject seven (7) historic dwellings, and approve and determine the owner's right to subdivide and separately convey the existing residential units through the use of a homeowners or condominium association in accordance with the attached plat.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

\*NOTE:  
IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 6:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, DECEMBER 22, 1988. PLEASE TELEPHONE DISTRICT CLERK (494-3351) TO CONFIRM.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

cc: Mr. Richard A. Moore  
Stephen J. Nolan, Esq.  
File



CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 17, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct. 12, 1988

THE JEFFERSONIAN,

S. Zeke Publisher

P# 05172  
Reg# M20356  
Price #105.43  
TJ/Jeff

ALL LEGAL NOTICES  
NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
Petition for Special Hearing  
CASE NUMBER: 89-171-SPH  
NS Greenspring Valley Road, 1150' W of c/l Falls Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): Emerson Farms and Company  
HEARING SCHEDULED: WED., NOVEMBER 9, 1988 at 9:30 a.m.\*  
Special Hearing To approve and confirm the nonconforming use status of the subject seven (7) historic dwellings, and approve and determine the owner's right to subdivide and separately convey the existing residential units through the use of a homeowners or condominium association in accordance with the attached plat.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.  
\*NOTE:  
IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 6:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, DECEMBER 22, 1988. PLEASE TELEPHONE DISTRICT CLERK (494-3351) TO CONFIRM.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING 89-171-SPH

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 8th

Posted for: Special Hearing Date of Posting October 23, 1988

Petitioner: Emerson Farms and Company

Location of property: NS Greenspring Valley Road, 1150' W of c/l Falls Road

Location of Sign: West side of Greenspring Valley Road, approx. 1350' West of Falls Road

Remarks:

Posted by: J. J. Ranta

Number of Signs: 2

Date of return: October 25, 1988



Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building, Suite 405  
Towson, Maryland 21204  
494-3554

October 11, 1988



Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

RECEIVED ZONING OFFICE  
DATE: 10/14/88

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 69, 75, 76, 77, 78, 79, 81, 82, 83, 84, & 85.

Very truly yours,

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Associate II

MSF:lab

EMERSON FARMS  
CHRONOLOGY  
Case No. 89-171 SPH

PHASE ONE

May 24, 1976  
Oct. 19, 1987  
Mar. 14, 1988

Deed to Emerson Farms and Company  
Zoning Map Request for DR 1  
Conf. with Commr. Haines, J. Dillon, L.  
Kier, et. al.

PHASE TWO

Aug. 24, 1988  
Nov. 9, 1988  
Nov. 25, 1988  
Dec. 6, 1988

Special Hearing Petition Filed  
Hearing Before Dep. Zoning Commr.  
Deputy People's Counsel Comments  
People's Counsel's Comments

PHASE THREE

Dec. 16, 1988  
Mar. 3, 1989

Dep. Commr.'s Letter Re: Reopening  
Hearing  
Nolan letter Re: Joint Postponement of  
Hearing

1989-1990  
June 20, 1990  
July 24, 1990  
Sept. 26, 1990  
Jan. 7, 1991

Conferences Re: Condo Documents  
Status Conf. with Dep. Zoning Commr.  
Status Conf. with Dep. Zoning Commr.  
Conf. at People's Counsel's Office with  
Mr. R. Moore et. al.  
Continuation of Zoning Hearing

PETITIONER'S  
EXHIBIT 10

5806B

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT

Date: Sept 20, 1988

Zoning Item # 81, Zoning Advisory Committee Meeting of Sept 6, 1988

Property Owner: Emerson Farms & Co.

Location: NS Greenspring Valley Rd. District 8

Water Supply private Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Health and Mental Hygiene Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted and approved. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Recreational and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to razing of existing structures, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- (x) Soil percolation tests, have been conducted, must be conducted.
- ( ) The results are valid until the results are valid until.
- ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- (x) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ( ) shall be valid until ( ) is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- (x) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (x) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- (x) Others: In order to subdivide this property, the owner will be required to comply with the subdivision regulations of the State of Maryland & Baltimore Co. Any guidelines - contact L. Nelson at 494-3768.  
X This lot may not be allowed on site due to presence of hydro soils (Hydro series).  
Where sewer disposal system is presently failing & must be repaired before any consideration of subdivision approval.

*Karen M. Sherry*  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

89-171-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
Th day of September, 1988.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner Emerson Farms and Co. Received by: James F. Dyer  
Petitioner's Attorney Stephen J. Nolan Chairman, Zoning Plans  
Advisory Committee

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

September 12, 1988



Re: Property Owner: Emerson Farms & Co.

Location: NS Greenspring Valley Road, 1150' W of c/l of Falls Road

Item No.: 81 Zoning Agenda: Meeting of 9/6/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* Noted and Approved: *John F. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

ARTICLE 1A—RURAL AND RURAL-SUBURBAN LOW-INTENSITY ZONES  
[Bill No. 100, 1970.]

Section 1A00—R.D.P. ZONES (RURAL: DEFERRED-PLANNING). [Bill No. 100, 1970.]

1A00.1—General Provisions. [Bill No. 100, 1970.]

1. Purpose. The R.D.P. zoning classification is established, pursuant to the legislative findings set forth above, in order to:

- a. Prevent untimely urban development of relatively open rural land; and
- b. Foster conditions favorable to agriculture and other low-intensity uses appropriate in rural areas, considering both the magnitude of total land acreage needed for such uses and the current prospective needs for developable urban land.

[Bill No. 100, 1970.]

2. Intent as to application of R.D.P. zoning classification to property or removal therefrom. It is intended:

- a. That rural land shall be classified within R.D.P. zones unless the Capital Budget and Five-Year Capital Program of Baltimore County and duly adopted official Baltimore County master plans, including the "county plan" required under Article 43, Section 387C of the Annotated Code of Maryland, 1957 (1965 Replacement Volume) as amended, all consistently indicate that such land is to be serviced by public sewerage and water-supply systems and, in the case of those said documents which determine the timing of construction, also consistently provide for the adequacy and availability of service to said land by such systems within a period of six years after the time of consideration with respect to zoning classification; provided further, however, that such nonserviced land as is specifically herein described (in this Subparagraph 3 or other provisions in these regulations) as being appropriately otherwise classified shall also be excepted from the category of land which shall be classified as R.D.P.;

- b. That land classified as R.D.P. shall not be reclassified (rezoned) until such time as the documents hereinabove noted have been officially changed or replaced in kind and thereby then indicate possible appropriateness of reclassification under the criteria hereinbefore stated;

1. The line designating this subparagraph and those immediately following as parts of a Paragraph "A" was deleted from Bill No. 100, 1970 by amendment after introduction.  
2. Findings deleted from Bill No. 100, 1970 by amendment after introduction.  
3. Now Subparagraph 2, as a result of amendment of Bill No. 100, 1970 after introduction.

1A00: 1

THE TITLE GUARANTEE COMPANY  
(Individual Form)  
App. II- 89879

LINE#5636 PAGE 913

This Deed, Made this 24th day of May, in the year one thousand nine hundred and seventy-six, by and between BROOKLANDWOOD ASSOCIATES, a Maryland Limited Partnership, Certificate of Limited Partnership recorded among the Land Records of Baltimore County, party of the first part, Grantor; and EMERSON FARMS AND COMPANY, a Maryland General Partnership, party of the second part, Grantee.

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto the said Grantee, a Maryland General Partnership, its assigns, in fee simple, all

those lot(s) of ground situate in the County of Baltimore, in the State of Maryland, and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Tract "A" and Tract "B" on the Plat of Brooklandwood, which Plat is recorded among the Land Records of Baltimore County in Liber EXK, JR No. 39, folio 80. Tract "A" containing 7.00 acres of land, more or less, and Tract "B" containing 20.01 acres of land, more or less.

BEING part of the lot of ground described in a Deed dated December 29, 1975 and recorded among the Land Records of Baltimore County in Liber EXK, JR No. 5596, folio 591, from Mercantile Safe Deposit and Trust Company, Trustee, et al to Brooklandwood Associates, the within named Grantor.

06100000 00000000 00000000 00000000  
00000000 00000000 00000000 00000000  
00000000 00000000 00000000 00000000  
00000000 00000000 00000000 00000000

PETITIONER'S  
EXHIBIT 7

37500000



EMERSON FARMS AND COMPANY  
Case No. 89-171-SPH

Sheet 1 of 7

← PHOTO A  
CORNER OF GREENSPRING VALLEY ROAD  
AND FALLS ROAD

**PETITIONER'S  
EXHIBIT 3**

PHOTO B  
VIEW OF EMERSON FARMS  
PROPERTY  
(just W of Tony Drive)

EMERSON FARMS AND COMPANY  
Case No. 89-171-SPH

Sheet 2 of 7

PHOTO C  
HISTORIC EMERSON FARMS DWELLINGS  
UNITS 1, 2 AND 3

PHOTO D  
ENTRANCE TO 800 GREENSPRING VALLEY  
ROAD  
& ZONING HEARING NOTICE

TAKEN: 11-8-88

EMERSON FARMS AND COMPANY  
Case No. 89-171-SPH

Sheet 3 of 7

← PHOTO E  
VIEW OF UNITS 1, 2 & 3  
FROM EASTERN PORTION OF PROPERTY

PHOTO F  
UNITS 1, 2 & 3 IN FOREGROUND  
UNITS 4 & 5 IN REAR  
(LOOKING NORTH TOWARD ST. PAUL'S  
SCHOOL)

EMERSON FARMS AND COMPANY  
Case No. 89-171-SPH

Sheet 4 of 7

PHOTO G  
UNIT 5 IN FOREGROUND &  
SEPARATE UNIT 4 ATTACHED

PHOTO H  
UNITS 6 & 7

EMERSON FARMS AND COMPANY  
Case No. 89-171-SPH

Sheet 5 of 7

← PHOTO I  
ST. PAUL'S SCHOOL VISIBLE  
IN REAR

PHOTO J  
REAR OF UNITS 6 & 7  
AND  
REAR OF UNIT 4

EMERSON FARMS AND COMPANY  
Case No. 89-171-SPH

PHOTO M  
CLOSE-UP OF UNIT 1  
MOST PROXIMATE TO GREENSPRING  
VALLEY ROAD

EMERSON FARMS AND COMPANY  
Case No. 89-171-SPH

Sheet 6 of 7

← PHOTO K  
REAR OF EMERSON FARMS SITE

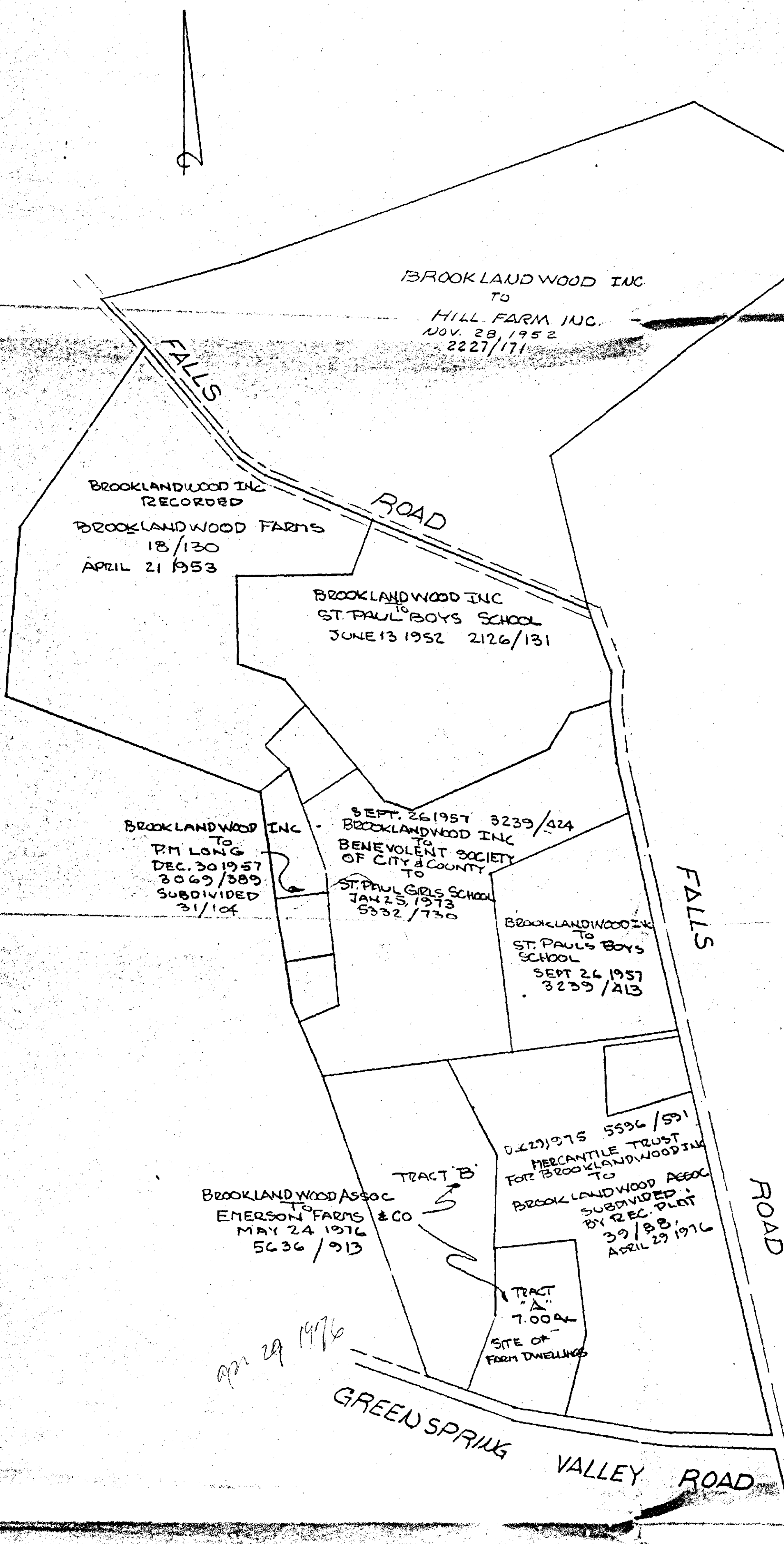
PHOTO L  
REAR OF UNITS  
1, 2 & 3

EMERSON FARMS AND COMPANY  
Case No. 89-171-SPH

Sheet 7 of 7

PHOTO N  
LOOKING EASTWARD FROM  
SUBJECT SITE TOWARD  
FALLS ROAD





CONVEYED TO GEO. BROWN 1846  
 GEO. BROWN, TRUSTEE CONVEYED  
 DEC 11 1916 TO 472/454  
 ISAAC E EMERSON  
 VARIOUS PARCEL OF LAND  
 SUBJECT PARCEL-1<sup>st</sup> PARCEL  
 CONTAINING 326 AC WEST  
 OF FALLS RD.  
 AP. EMERSON W.F. OF ISAAC  
 INHERITED BY WILL JPC 27/30  
 326 AC +  
 F. LOORAM DAUGHTER OF A. EMERSON  
 INHERITED BY WILL JPC 40/370  
 326 AC +  
 CONVEYED TO BROOKLANDWOOD INC  
 AUG 11 1951 1998/45  
 326 AC +  
 BROOKLANDWOOD INC FIRST CONVEYANCE  
 OUT OF 326 AC PARCEL WAS JUNE 13, 1952  
 TO ST PAUL BOY SCHOOL  
 LAST CONVEYANCE BY HEIRS BY MERCANTILE SAFE DEP. TRUSTEE  
 TO BROOKLANDWOOD ASSOC DEC. 29 1975  
 BROOKLANDWOOD SUBDIV. RECORD PLAT OF BROOKLANDWOOD 4-29-76  
 BROOKLANDWOOD ASSOC CONVEYED TRACT A & B  
 TO EMERSON FARMS CO. MAY 24 1976  
 TRACT A CONTAINS ORIGINAL FARM  
 HOUSE



E. F. RAPHEL & ASSOC.  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 205 COURTLAND AVENUE  
 TOWSON, MARYLAND 21204

**PETTKERS**  
**EXHIBIT 6**

COMPOSITE  
 OUT CONVEYANCE OF  
 PARCEL-1 326 AC ±  
 ESTATE OF  
**ISAAC E. EMERSON**  
 BROOKLANDWOOD MD.

SEPT. 24, 1990



COORDINATE TABLE					
N <sup>o</sup>	North	West	N <sup>o</sup>	North	West
19	45,034.40	16,521.99	103	45,089.48	16,754.27
20	45,144.28	15,913.44	123	45,232.93	16,871.81
61	45,150.82	16,731.07	109	45,384.24	16,844.85
62	45,167.02	16,739.94	111	45,375.79	16,481.24
63	45,365.74	16,871.41	113	45,313.77	16,481.04
28	45,384.98	16,872.51	112	45,313.71	16,707.19
26	45,380.56	16,706.70	114	45,275.21	16,707.15
22	45,339.90	16,484.12	115	45,275.29	16,677.74
100	45,140.98	16,704.50	116	45,267.58	16,664.49
124	45,263.05	16,876.13	117	45,251.70	16,700.21
125	45,261.71	16,832.32	129	45,254.37	16,750.14
126	45,254.58	16,796.59	130	45,258.24	16,749.93
132	45,238.93	16,755.43	121	45,273.28	16,709.40
131	45,242.44	16,754.49	122	45,281.70	16,831.71
128	45,226.54	16,731.26			

CURVE TABLE					
Curve N <sup>o</sup>	Δ	Radius	Length	Tang.	Bearing & Long Chord
60 to 19	6° 01' 51"	3,520.00'	368.39'	184.37'	S 72° 30' 23" E 368.23'
100 to 103	2° 36' 00"	3,520.00'	158.82'	79.43'	S 71° 04' 44" E 158.81'
122 to 121	19° 04' 00"	130.00'	43.26'	21.83'	S 78° 43' 00" E 43.26'
125 to 124	19° 04' 00"	110.00'	36.61'	18.47'	S 78° 43' 00" E 36.61'
115 to 116	12° 07' 40"	17.00'	38.31'	35.74'	S 25° 33' 30" E 38.70'
114 to 117	54° 04' 00"	43.00'	40.59'	21.74'	S 64° 02' 00" W 39.09'
131 to 128	68° 30' 36"	25.00'	30.04'	17.13'	S 55° 16' 31" E 28.26'

NOTE: ALL COMMON AREAS TITLED IN HOMEOWNERS ASSOCIATION

**GENERAL DATA**  
 AREA OF PROPERTY: 2.602 ACRE  
 EXISTING ZONE: RC 2  
 PROPOSED ZONE: RC 2 NON CONFORMING  
 LOT AREA: 0.968 ACRES  
 COMMON AREA: 1.634 ACRES

The Recording of this Plat Does Not Constitute or imply Acceptance by the County, of any Street, Easement, Park, Open Space or other Public Area shown on this Plat

The Recording of this Plat Does Not Guarantee Installation of Streets or Utilities by Baltimore County.

The Information shown on this Plat may be Superseded by a Subsequent or Amended Plat.

Additional Information Concerning this Plat may be obtained from the Office of Planning & Zoning and Department of Public Works.

This Plat is subject to County Council Bill 34-82 (Sect. 22-68) of the County Code relating to the lapse and Revocation of a Record Plat.

Streets and/or Roads shown hereon and mention thereof in Deeds are for purposes of Description Only, and the same are not intended to be Dedicated to Public Use. The Fee-Simple Title to the Beds thereof is Expressly Reserved to the Grantors of the Deed to which this Plat is attached, their Heirs and Assigns.

Highway and Highway Widening, Slope, Drainage & Utility Easements shown hereon are Reserved unto the Owner and are hereby Offered for Dedication to Baltimore County, Md. The Owner, his Personal Representative, Successors & Assigns shall convey said Areas by Deed to Baltimore County, Md. at no cost.

For Panhandle Lots, Refuse Collection, Snow Removal and Road Maintenance are provided to the direction of the Panhandle and the Street Right of Way Line only, and not onto the Panhandle Lot Driveway.

Bearings and Coordinates shown on this Plat are referred to Baltimore County Metropolitan District Grid Trv. Sta.

DEPARTMENT OF PUBLIC WORKS  
 APPROVED FOR STREET ALIGNMENT & LOCATION

APPROVED FOR DEPARTMENT OF ENVIRONMENTAL  
 PROTECTION AND RESOURCE MANAGEMENT

APPROVED FOR BALTIMORE COUNTY

Director of Planning & Zoning Date

#### OWNER'S CERTIFICATE

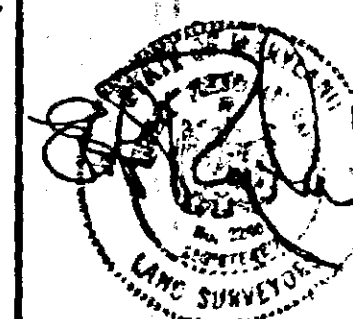
The Undersigned, Owner of the Land shown on this Plat hereby Certifies that to the best of his knowledge, the requirements of Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland, has been complied with, insofar as same concerns the making of the Plat and setting of the Markers.

Owner(s) Date

#### SURVEYOR'S CERTIFICATE

The Undersigned, A Registered Land Surveyor of the State of Maryland, Does hereby Certify that he is the Surveyor who prepared this Plat and that the Land shown on this Plat has been laid out and the Plat thereof has been prepared in compliance with Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland, Particularly insofar as same concerns the making of the Plat and the setting of the Markers.

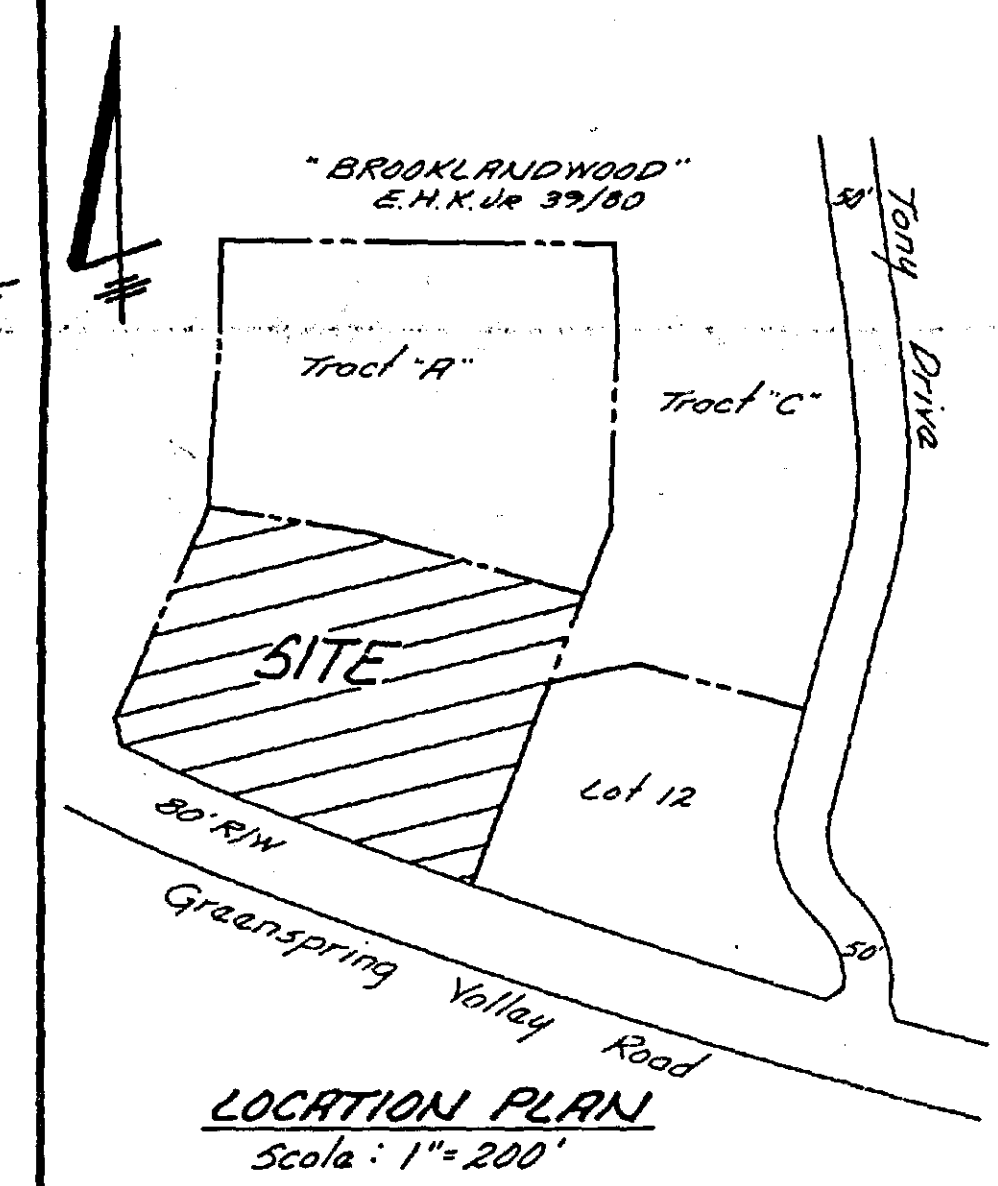
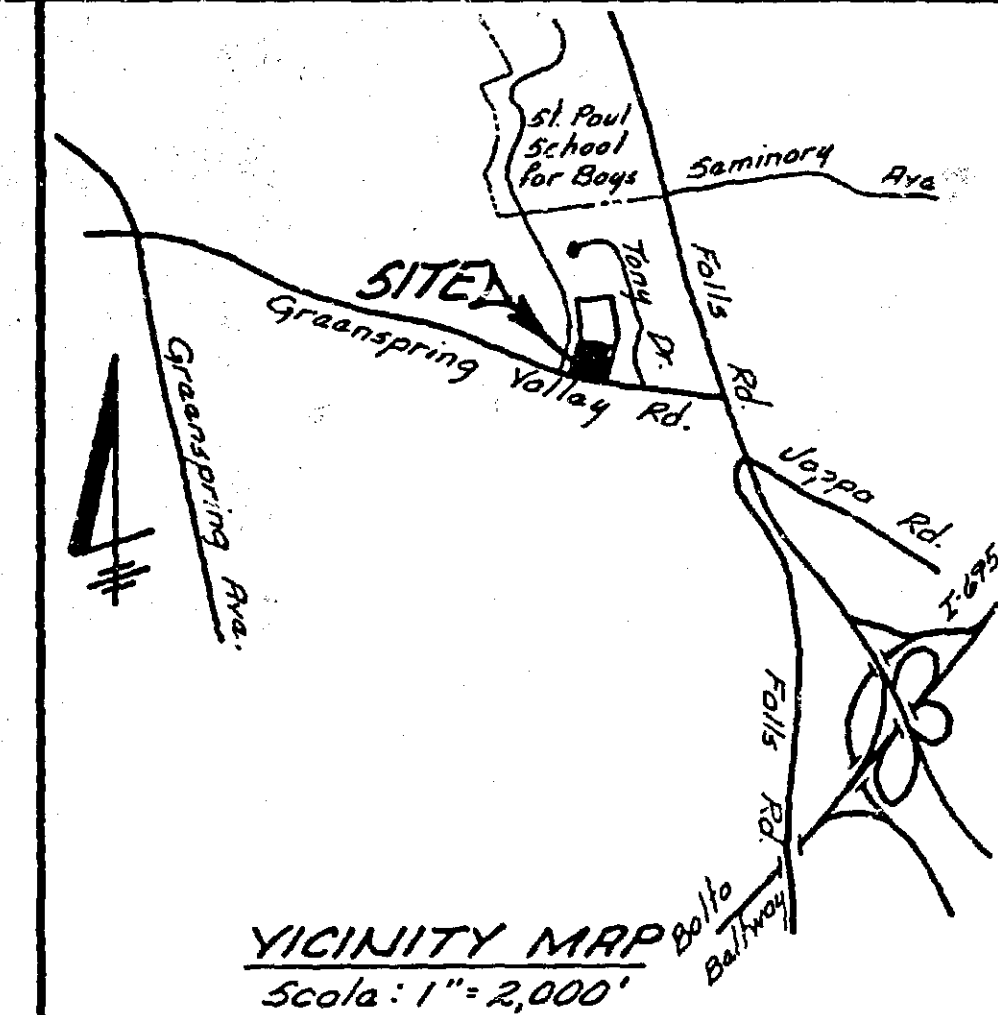
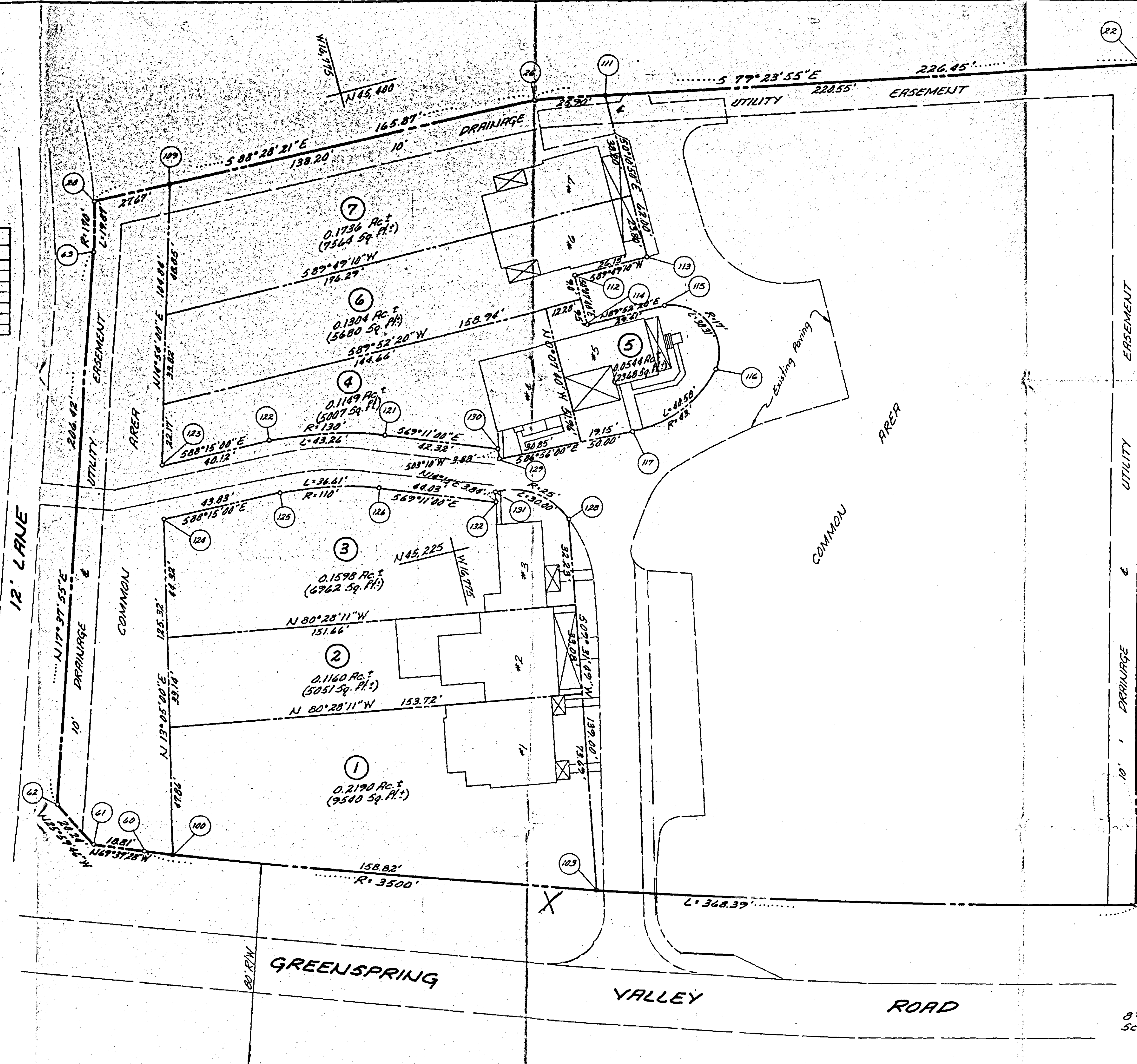
E. F. Raphael Oct. 1988  
 Reg. Land Surveyor Date



E. F. RAPHEL & ASSOCIATES  
 REGISTERED PROFESSIONAL LAND SURVEYORS

205 Courtland Ave.  
 Towson, Maryland 21204

**PETITIONER EXHIBIT 2**



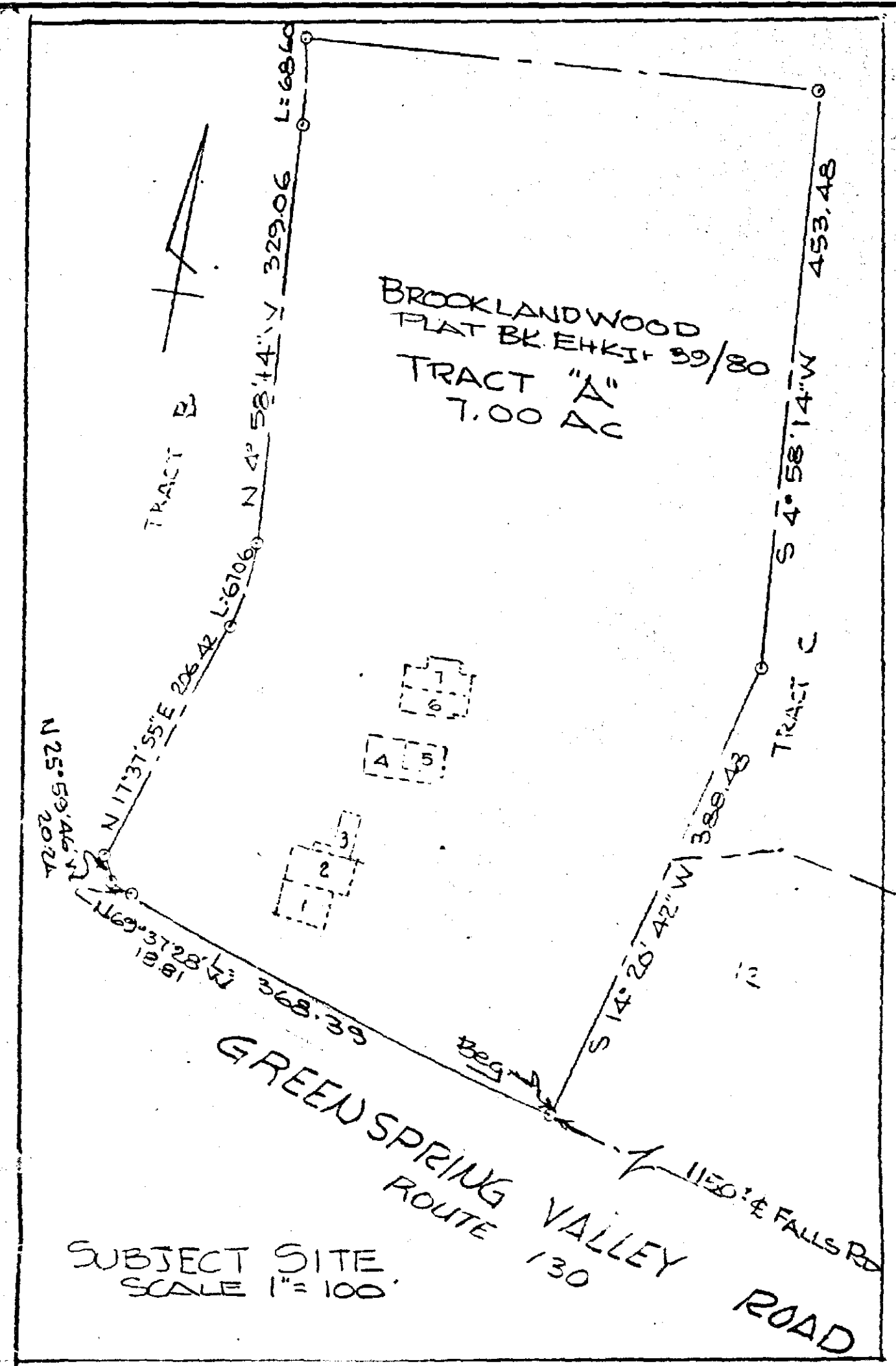
- PLAT TO ACCOMPANY ZONING PETITION FOR APPROVAL FOR
- 1) TO APPROVE AND CONFIRM NON-CONFORMING USE OF THE 7 EXISTING HISTORICAL RESIDENTIAL DWELLINGS
  - 2) THE RIGHT TO SUBDIVIDE & CONVEY THE EXISTING DWELLING UNITS

PLAT TO ACCOMPANY ZONING PETITION FOR APPROVAL FOR NON-CONFORMING USE

**SUBDIVISION PART OF TRACT "A" BROOKLANDWOOD**

8TH Elect. Dist. - Baltimore Co. Md.  
 Scale: 1" = 20'





SUBJECT SITE  
SCALE 1" = 100'

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT THE BUILDING UNITS ARE LOCATED AS SHOWN THAT IT IS BASED ON AN ACCURATE TRANSIT-TAPE "AS-BUILT" SURVEY AND WAS PREPARED FOR THE PURPOSE OF ESTABLISHING THE BROOKLANDWOOD CONDOMINIUM.

I FURTHER CERTIFY THAT I HAVE LOCATED THE IMPROVEMENTS ON THE LOTS SHOWN HEREON, THAT SUCH IMPROVEMENTS EXIST, THAT SAID IMPROVEMENTS LIE ENTIRELY WITHIN THE BOUNDARIES, AND THAT THESE PLATS ARE, TOGETHER WITH THE APPLICABLE WORDING OF THE DECLARATION, A CORRECT REPRESENTATION OF THE CONDOMINIUM DESCRIBED, AND THE IDENTIFICATION AND LOCATION OF EACH UNIT AS CONSTRUCTED, CAN BE DETERMINED FROM THEM.

THE UNDERSIGNED HEREBY CERTIFIES THAT THE REQUIREMENTS OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS FAR AS SUCH SECTIONS CONCERN THE MAKING OF THE PLAT AND SETTING OF THE MARKERS, TO THE BEST KNOWLEDGE OF UNDERSIGNED SURVEYOR HAVE BEEN COMPLIED WITH IN PREPARATION OF THIS CONDOMINIUM PLAT.

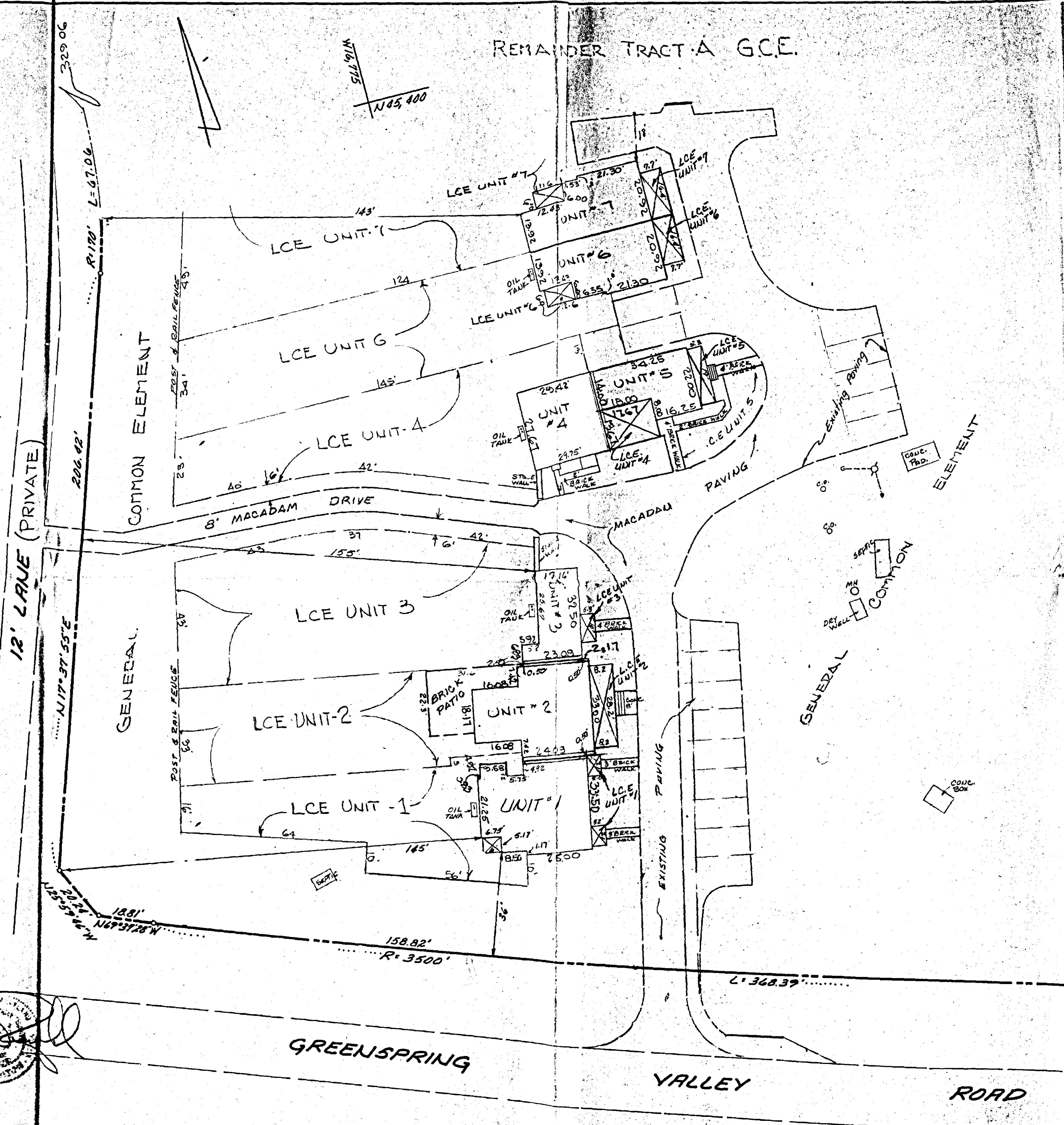
E. F. RAPHEL  
REG. PROF. LAND SURVEYOR NO. 2245

**OWNER'S CERTIFICATE**

THE UNDERSIGNED HEREBY CERTIFIES THAT THE REQUIREMENTS OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS FAR AS SUCH SECTIONS CONCERN THE MAKING OF THE PLAT AND SETTING OF THE MARKERS, TO THE BEST KNOWLEDGE OF THE UNDERSIGNED OWNER HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS CONDOMINIUM PLAT.

RICHARD A. MOORE

**E. F. RAPHEL & ASSOCIATES**  
REGISTERED PROFESSIONAL LAND SURVEYORS  
205 COURTLAND AVENUE  
TOWSON, MARYLAND 21204



**GENERAL NOTES**

AREA OF SITE - 7.00 ACRES  
NUMBER OF CONDOMINIUM UNITS - 7  
L.C.E. - LIMITED COMMON ELEMENT  
G.C.E. - GENERAL COMMON ELEMENT

ALL AREAS WITH THE EXCEPTION OF AREAS NOTED LCE ARE GCE.

NOTE: ALL INTERIOR DIVISION OF CONDOMINIUMS ARE TO CENTER PARTY WALL - ALL OTHER MEASUREMENTS ARE EXTERIOR OF STRUCTURE

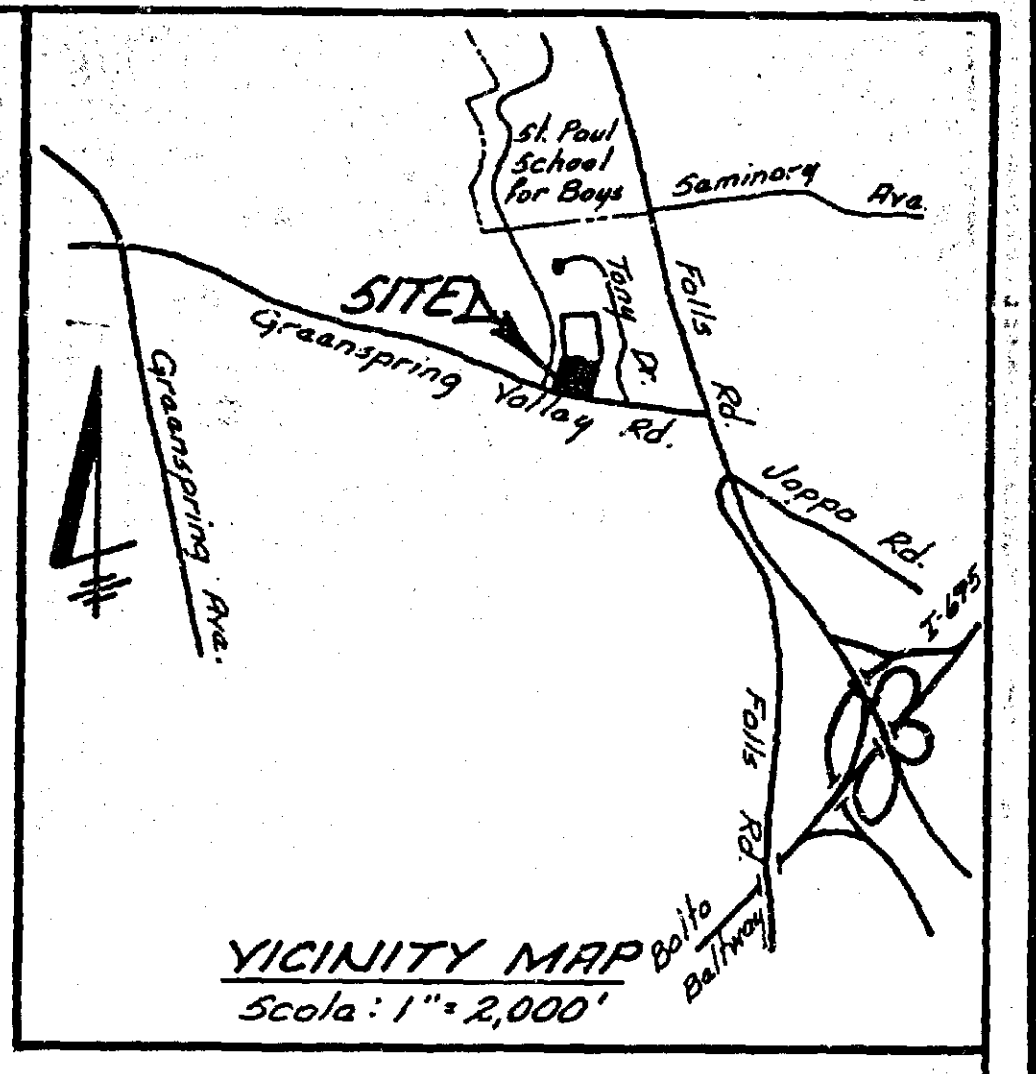
PLAT TO ACCOMPANY ZONING PETITION FOR APPROVAL -

- 1) TO APPROVE AND CONFIRM NON CONFORMING USE OF THE 7 EXISTING HISTORICAL RESIDENTIAL DWELLINGS
- 2) THE RIGHT TO SEPERATE & CONVEY THE EXISTING DWELLING UNITS

**PE EX 9**

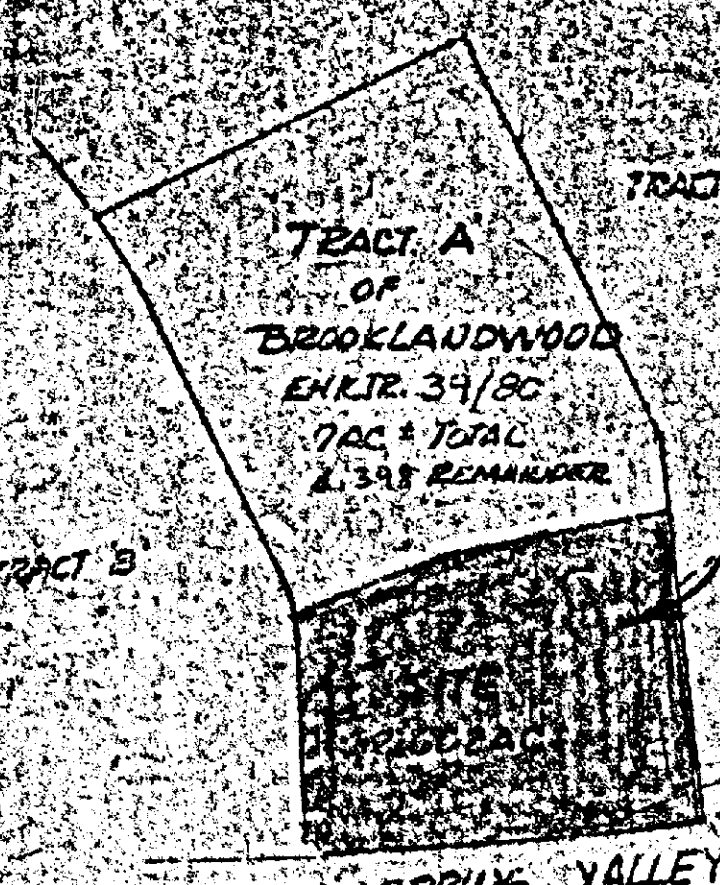
**BROOKLANDWOOD CONDOMINIUM**  
TRACT "A"  
"BROOKLANDWOOD" EHK 39/80

8TH. Elect. Dist. - Baltimore Co. Md.  
Scale: 1" = 20' APRIL 10, 1990  
JAN. 3, 1991



VICINITY MAP  
Scale: 1" = 2,000'

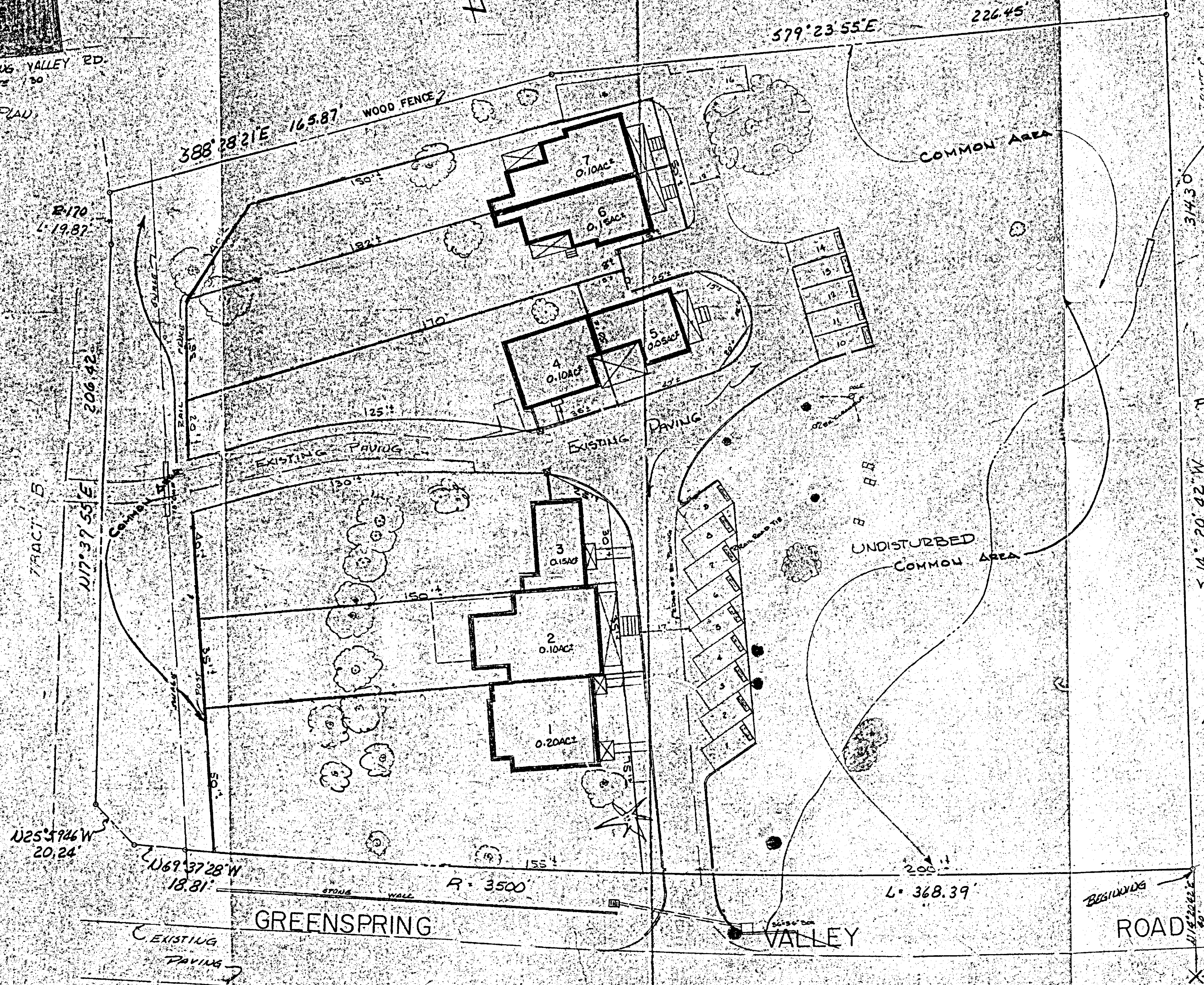
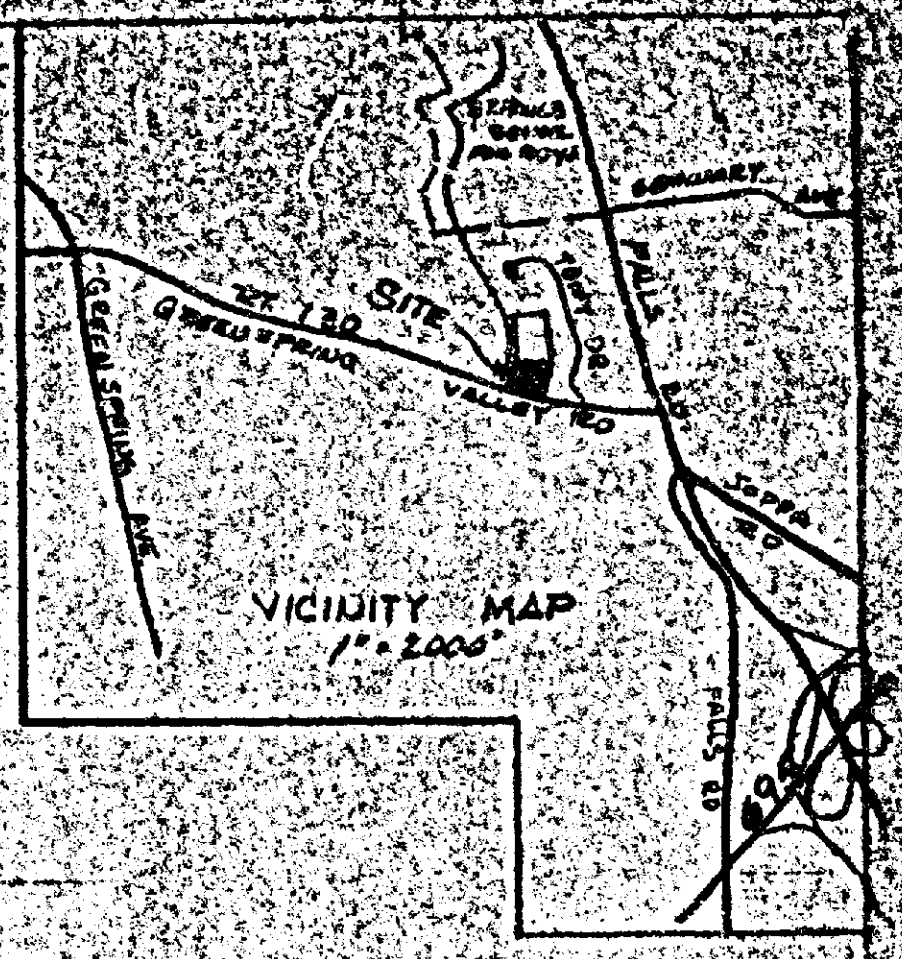




SUBJECT SITE

GREENSPRING VALLEY RD.  
ROUTE 130

LOCATION PLAN  
1"=200'



**GENERAL DATA**

AREA OF PROPERTY	2.602AC
EXISTING ZONE	RC-2
PROPOSED ZONE	RC-2 NON CONFORMING
LOT AREA	0.85AC
COMMON AREA	1.752AC

PLAT TO ACCOMPANY ZONING PETITION FOR:

- 1) TO APPROVE AND CONFIRM THE NONCONFORMING USE OF THE EXISTING HISTORICAL RESIDENTIAL DWELLINGS.
- 2) THE RIGHT TO SUBDIVIDE & CONVEY THE EXISTING DWELLING UNITS.

PLAT TO ACCOMPANY ZONING PETITION FOR APPROVAL FOR NONCONFORMING USE

PART OF TRACT A  
"BROOKLANDWOOD"

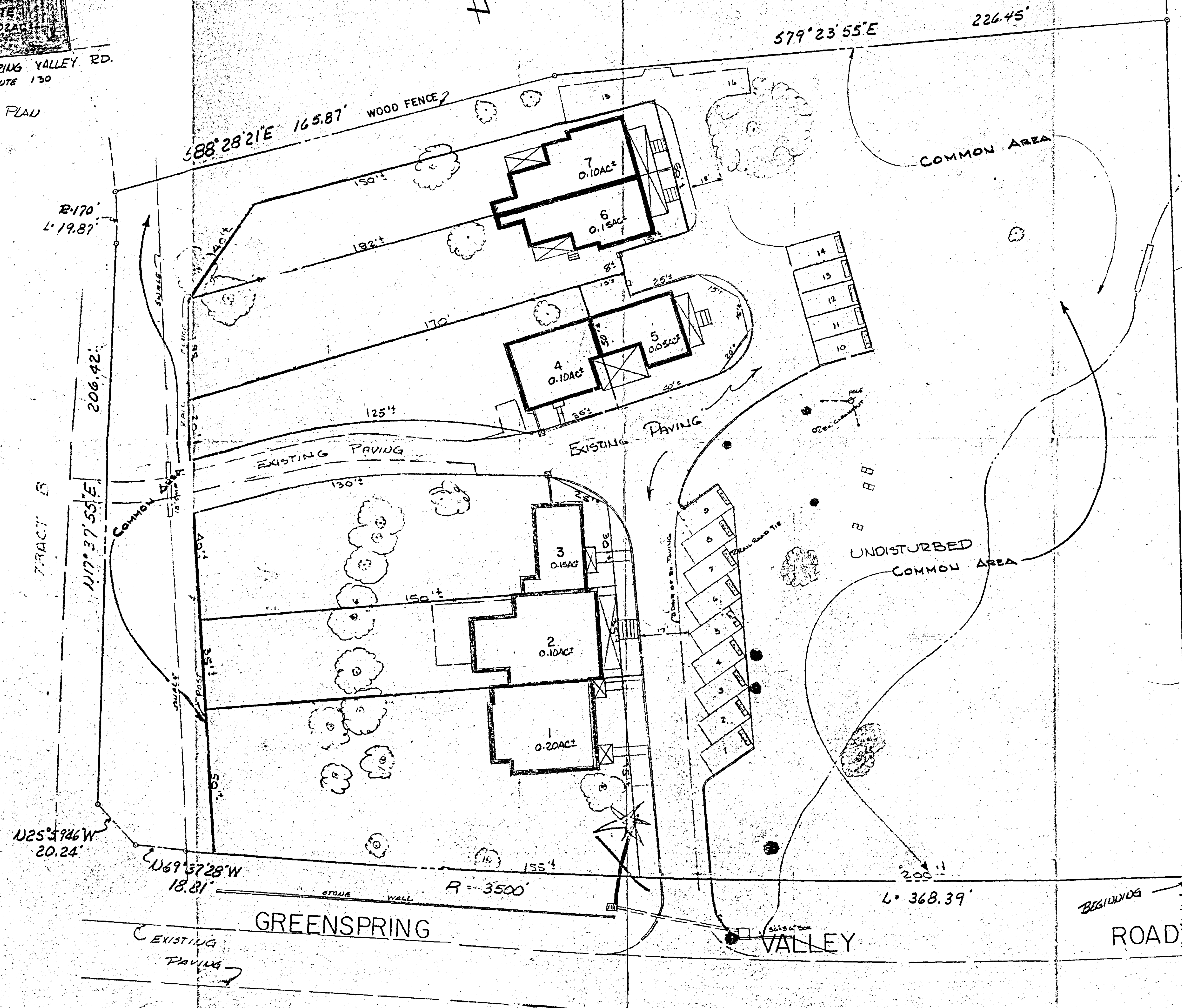
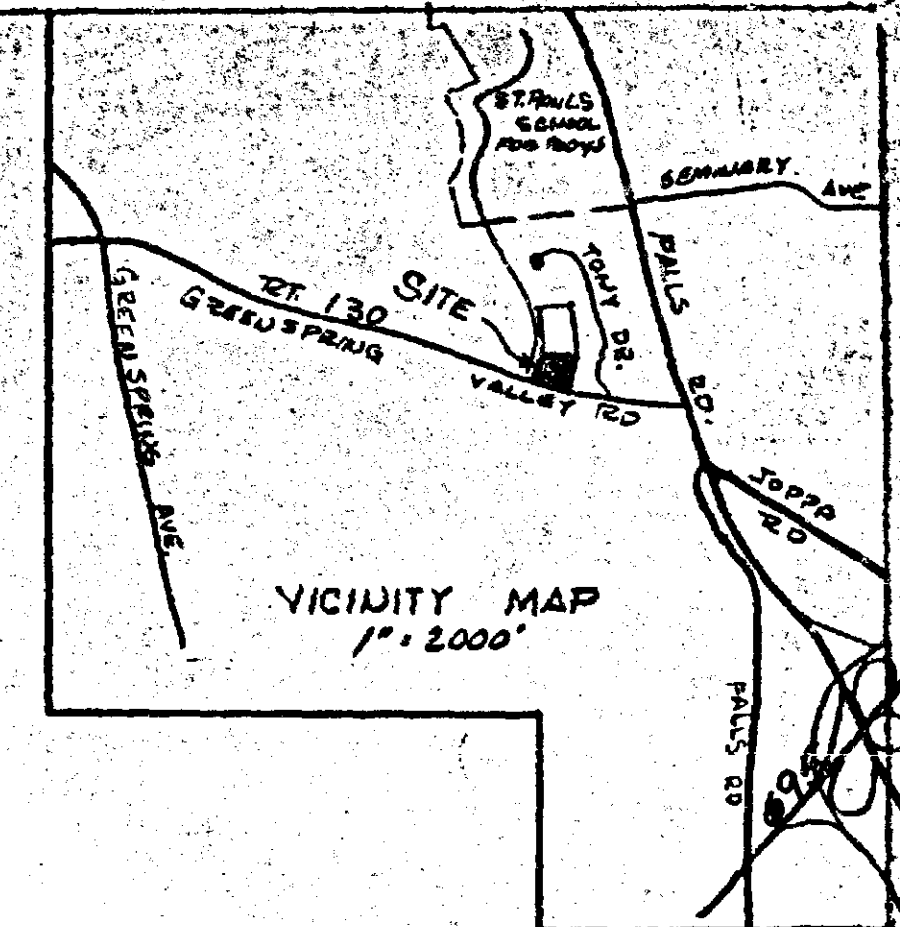
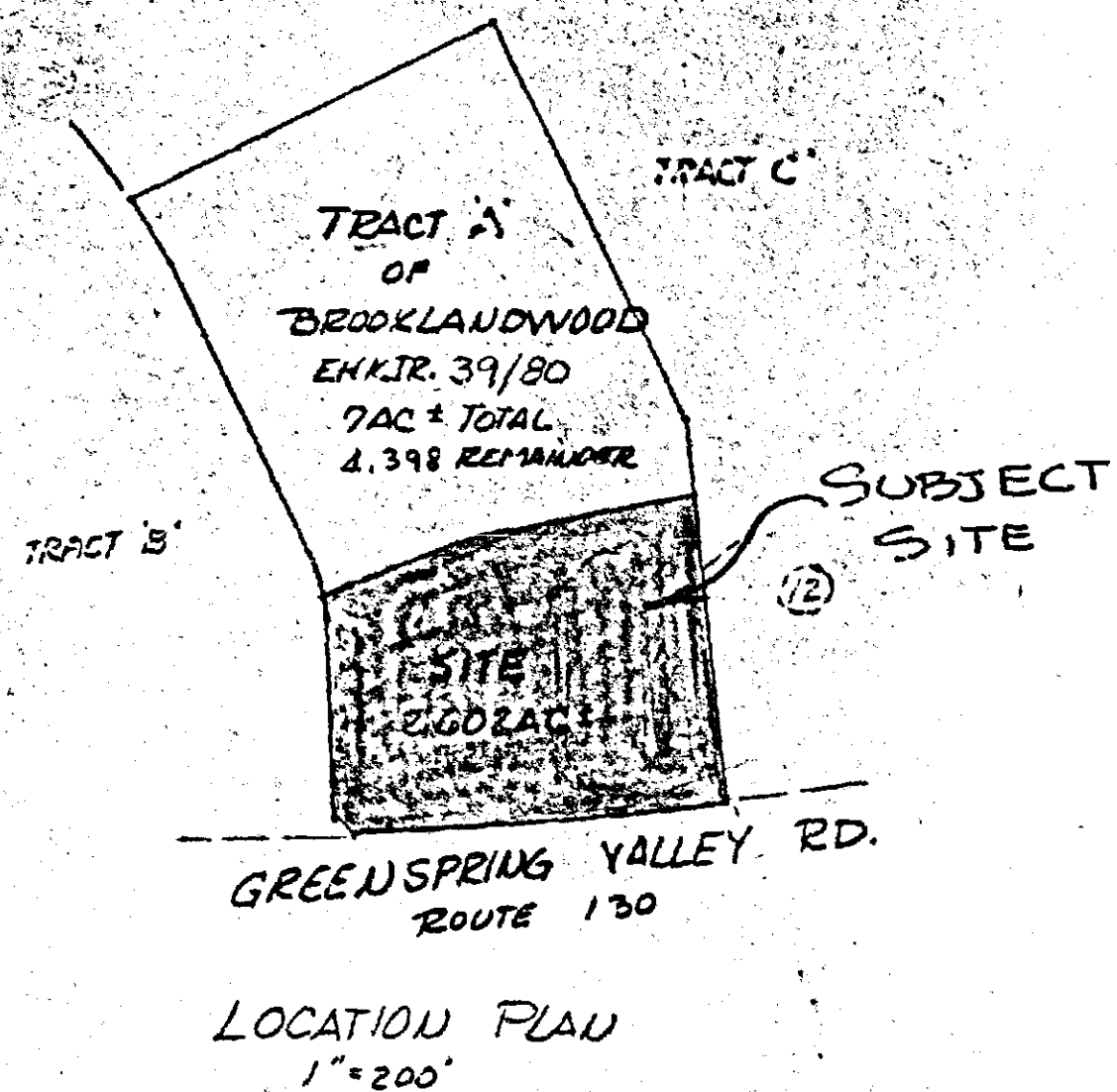
8TH ELECT. DIST. 73ALTO CO. MD.  
SCALE 1"=20' JULY 28, 1988



E. F. RAPHAEL & ASSOC.  
REGISTERED PROFESSIONAL LAND SURVEYORS  
205 COURTLAND AVENUE  
TOWSON, MARYLAND 21204

**PETITIONER**  
**EXHIBIT 1**





**GENERAL DATA**

AREA OF PROPERTY	2.402AC±
EXISTING ZONE	RC-2
PROPOSED ZONE	RC-2 NONCONFORMING
LOT AREA	0.85AC±0.968
COMMON AREA	1.752AC±1.63A

PLAT TO ACCOMPANY ZONING PETITION FOR:

- 1) TO APPROVE AND CONFIRM THE NONCONFORMING USE OF THE 7 EXISTING HISTORICAL RESIDENTIAL DWELLINGS.
- 2) THE RIGHT TO SUBDIVIDE & CONVEY THE EXISTING DWELLING UNITS.

PLAT TO ACCOMPANY ZONING PETITION FOR APPROVAL FOR NONCONFORMING USE

PART OF TRACT A "BROOKLANDWOOD"

8TH ELECT. DIST. TBAUTO. CO. MD. JULY 28, 1988

SCALE 1"=20'



E. F. RAPHAEL & ASSOC.  
REGISTERED PROFESSIONAL LAND SURVEYORS  
205 COURTLAND AVENUE  
TOWSON, MARYLAND 21204

1 Sign



